Legislative Session Minutes

June 24, 2024

COMMITTEE MEETINGS

Mount Vernon City Council
Committee Meeting Schedule
June 24, 2024

5:39-5:44 p.m.	Fourth of July activities	Parks & Recreation Miller
5:44-5:50 p.m.	Sale of recreational marijuana	Land Use & Development Keener
5:50-5:53 p.m.	Public Works employees	Employee & Community Relations Woods
5:53-6:35 p.m.	Zoning code update	Land Use & Development Keener
6:40-6:43 p.m.	Pub. Hearing: Rezone 875 Harcourt Rd.	Land Use & Development Keener
6:45-7:22 p.m.	Pub. Hearing: Rezone 0 Vernonview Dr.	Land Use & Development Keener

- 06-24-24 Committee Meeting Schedule

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

Attendee	Title	Status
Janis Seavolt	At Large	Present
Tammy Woods	Third Ward	Present
Amber Keener	At Large	Present
Mel Severns	Councilman	Present
Mike Miller	Fourth Ward	Present
James Mahan	First Ward	Present
John Ruckman	Second Ward	Present
Bruce Hawkins	President	Present

<RollCallList Status="Absent">

{Attendee(*):First Last}	{Attendee(*):Title}	Absent

INVOCATION

Pastor Ken Eash of Eash Family Ministry delivered the invocation.

PLEDGE OF ALLEGIANCE

All recited in unison.

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Jun 10, 2024 7:30 PM

Seavolt made a motion to accept the minutes from Council's Legislative Session of June 10, 2024, with a second by Keener. Motion to accept passed by a voice vote of 6-0.

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Janis Seavolt, At Large
SECONDER:	Amber Keener, At Large
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

RECEIVE PETITIONS AND COMMUNICATIONS

Communications were received from Joshua Morrison, 101 N. Rogers St., concerning legislative emergency clauses; and from Bob and Linda Beck, 10 Woodside Drive; Gary Koester, 24 Eastgate Drive; Rebecca Gannon, 207 N. Edgewood Road; and David F. McCoy, 11 Woodside Drive, all in opposition to Ordinance No. 2024-21.

- 06-24-24 Correspondence

RECEIVE COMMITTEE REPORTS

Council accepted without comment the minutes for the Employee and Community Relations Committee, Streets and Public Buildings Committee and Finance and Budget Committee meetings of June 10, 2024.

- 06-10-24 Employee and Community Relations Committee Meeting Minutes
- 06-10--24 Streets and Public Buildings Committee Meeting Minutes
- 06-10-24 Finance and Budget Committee Meeting Minutes

LIQUOR CONTROL LICENSE

None.

PROCLAMATION

None.

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

Steve Arnett, 14449 Becky Lane, spoke in opposition to Ordinance No. 2024-21. Mike Fahling expressed concerns about vehicles speeding on Pittsburgh Avenue. Shelda Robertson, 5 Woodside Drive, spoke in opposition to Ordinance No. 2024-21.

RESOLUTIONS FOR THIRD READING

None.

RESOLUTIONS FOR SECOND READING

None.

RESOLUTIONS FOR FIRST READING

R E S O L U T I O N N O . 2 0 2 4 - 6 3

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

Finance and Budget: Seavolt, Woods

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-63, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-63, with a second by Woods. Auditor Terry Scott commented on the legislation, noting that the transfers are needed for lime silos at the Water Plant. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

R E S O L U T I O N N O . 2 0 2 4 - 6 4

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE NEOGOV SUITE OF PROGRAMS, CONTRACT FOR PAYROLL SERVICES WITH MCDANIELS CPA, AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS IN SUPPORT OF THESE ACTIONS; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-64, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-64, with a second by Woods. Safety-Service Director Tanner Salyers stated that $161,000 is needed to contract with NeoGov and McDaniels CPA for payroll services, and that the legislation would draw that from the Reserve Balance Account, from which funds may be utilized for any unforeseen adverse events. He further stated that a staffing shortage in the Auditor's office qualifies as such an event. Auditor Terry Scott noted that there is currently $3.2 million in the Reserve Balance Account. For the benefit of the audience, Miller explained that several of the unions representing City employees have filed grievances regarding the City's payroll practices. Motion to adopt passed by a roll-call vote of 5-2, with Seavolt and Woods voting no.

RESULT:	**ADOPTED [5 TO 2]**
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Keener, Severns, Miller, Mahan, Ruckman
NAYS:	Seavolt, Woods

ORDINANCES FOR THIRD READING

O R D I N A N C E N O . 2 0 2 4 - 2 1

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PARCEL #66-07961.000, ALSO KNOWN AS 0 VERNONVIEW DRIVE, FROM THE PRESENT ZONING OF R-1 - SINGLE FAMILY DISTRICT, TO PND - PLANNED NEIGHBORHOOD DISTRICT.

Land Use and Development: Keener, Mahan

Keener made a motion to adopt Ordinance No. 2024-21, with a second by Mahan. Each of the Council members explained the reasons for their vote. Motion to adopt passed by a roll-call vote of 4-3, with Seavolt, Severns and Woods voting no.

RESULT:	**ADOPTED [4 TO 3]**
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Keener, Miller, Mahan, Ruckman
NAYS:	Seavolt, Woods, Severns

ORDINANCE NO. 2024-27

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PARCEL #70-50046.000 AND PARCEL #70-50054.000, ALSO KNOWN AS 875 HARCOURT ROAD, FROM THE PRESENT ZONING OF CLINTON TOWNSHIP GB - GENERAL BUSINESS, TO GB - GENERAL BUSINESS; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Keener made a motion to adopt Ordinance No. 2024-27, with a second by Mahan. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2024-30

AN ORDINANCE FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON IN THE PUBLIC WORKS DEPARTMENT; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-30, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-30, with a second by Keener. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Tammy Woods, Third Ward
SECONDER:	Amber Keener, At Large
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

ORDINANCES FOR FIRST READING

O R D I N A N C E N O. 2 0 2 4 - 3 1

AN ORDINANCE TO PROHIBIT THE SALE OF RECREATIONAL MARIJUANA, IN ANY ZONING DISTRICT IN THE CITY OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Ordinance No. 2024-31 was given a first reading. Keener requested a five-minute meeting of the Land Use and Development Committee on the legislation for July 8, 2024.

RESULT:	**FIRST READING**	**Next: 7/8/2024 7:30 PM**

O R D I N A N C E N O. 2 0 2 4 - 3 2

AN ORDINANCE TO REPLACE PART ELEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING VIOLATIONS OF THE CITY ZONING CODE, AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

Ordinance No. 2024-32 was given a first reading. Keener requested a 15-minute meeting of the Land Use and Development Committee on the legislation for July 8, 2024.

RESULT:	**FIRST READING**	**Next: 7/8/2024 7:30 PM**

REMARKS FROM THE ADMINISTRATION

Mayor Matthew Starr provided an update on the new Knox County Comprehensive Plan, in which the City plays a significant role. Safety-Service Director Tanner Salyers noted that the City's snowplow naming competition is ongoing. Law Director Rob Broeren thanked the City Council Clerk for finding some legislation.

REMARKS FROM COUNCIL

Keener noted that Council's vote on Ordinance No. 2024-21 was a difficult one, but suggested that adoption of the ordinance was the appropriate outcome and would give the City more oversight over the parcel in question. Miller thanked Mike Fahling for speaking about vehicular speeding on Pittsburgh Avenue. Mahan thanked the Police Chief for attending Council meetings, noted that he received a complaint about trucks' engine breaking on State Route 229, observed that work is progressing on the installation of crosswalks on Newark Road, and emphasized the need for a new Police Station. Woods thanked the public for attending and wished everyone a happy and safe Independence Day.

ADJOURN AT THE CALL OF THE PRESIDENT

Seavolt made a motion to adjourn, with a second by Keener. Meeting adjourned at 8:33 p.m.

_____ _____

Bruce E. Hawkins, President of Council Todd Hill, Clerk of Council

CD on file/th

PRESS RELEASE

City Hall
40 Public Square
Mount Vernon, OH 43050

FOR MORE INFORMATION, CONTACT:
Todd Hill, Clerk of Council
740-393-9517 Fax: 740-397-6595

FOR IMMEDIATE RELEASE
June 20, 2024

Mount Vernon City Council
Committee Meeting Schedule
June 24, 2024

5:35-5:50 p.m.	Fourth of July activities	Parks & Recreation Miller
5:50-6:05 p.m.	Sale of recreational marijuana	Land Use & Development Keener
6:05-6:10 p.m.	Public Works employees	Employee & Community Relations Woods
6:10-6:40 p.m.	Zoning code update	Land Use & Development Keener
6:40-6:45 p.m.	Public Hearing: Rezoning of 875 Harcourt Road	Land Use & Development Keener
6:45-7:15 p.m.	Public Hearing: Rezoning of 0 Vernonview Drive	Land Use & Development Keener

The above listed meeting will be held to discuss the above items; but will not be limited to those listed.
Mount Vernon News - WMVO - WNZR – City Hall Bulletin Board

Todd Hill <clerkofcouncil@mountvernonohio.org>

Communication to Council: Misuse of Emergency Clauses in Municipal Legislation

1 message

Joshua Morrison <mv.photog@gmail.com> Thu, Jun 20, 2024 at 2:59 PM
To: clerkofcouncil@mountvernonohio.org

Mr. Hill, I am submitting this letter to be read before the City Council legislative session on Monday, June 24.

Council and Administration,

I am writing to express my opinion about the misuse of emergency clauses in municipal legislation. While I understand these clauses allow for swift action in urgent situations, their abuse undermines democratic principles, erodes public trust, and bypasses necessary scrutiny and debate.

Emergency clauses often bypass public hearings and thorough vetting, depriving citizens of meaningful participation and obscuring the legislative processes. This can result in poorly crafted laws that lack rigorous analysis and debate, leading to frequent amendments or repeal. Moreover, frequent misuse of emergency clauses fosters suspicion, eroding trust in government and undermining the legitimacy of legislation.

To address these issues, I propose city council take the following measures:

1. **Strict Criteria for Emergencies**: Establish clear criteria for what constitutes an emergency, requiring the committee chair or councilmember to justify the need for the emergency clause beyond the already established template language.
2. **Enhanced Oversight**: Implement independent review mechanisms and include sunset provisions to ensure emergency laws expire unless renewed through standard procedures.
3. **Transparency and Public Participation**: Require full disclosure of the reasons for invoking emergency clauses, allow public input, and conduct post-emergency reviews to assess necessity and effectiveness.

These measures will help curb misuse while preserving the ability to respond to genuine emergencies, ensuring emergency powers are used responsibly and in the public interest.

Sincerely,

Joshua Morrison
101 North Rogers Street
Mount Vernon, OH 43050

7.1

Todd Hill <clerkofcouncil@mountvernonohio.org>

Please Vote 'NO' to Ordinance 2024-21, keep 0 Vernonview Drive Zoned R-1

1 message

Robert Beck <bob.beck1206@gmail.com> Fri, Jun 21, 2024 at 1:57 PM
To: Todd Hill <clerkofcouncil@mountvernonohio.org>, bhawkins@mountvernonohio.org, jmahan@mountvernonohio.org, jruckman@mountvernonohio.org, twoods@mountvernonohio.org, mmiller@mountvernonohio.org, akeener@mountvernonohio.org, Mel Severns <mseverns@mountvernonohio.org>, jseavolt@mountvernonohio.org, dsm@mountvernonohio.org

Todd, Please read this at the 6-24-24 council meeting.
Lacie, Please make this part of the public record of the 6-24-24 council meeting.

All,

I was working in the garage and heard a song by John Cougar Mellencamp, "You've Got to Stand for Something". The lyrics re-played for hours in my head : 'You've got to stand for something or you will fall for anything'. I ask you all to 'Stand' for existing, Legacy, R-1 Zoning of 0 Vernonview Dr. 'Stand' for the Mount Vernon Residents who purchased their homes in a R-1 neighborhood near 0 Vernonview Dr . 'Stand' for the 375 individuals who signed a petition against the proposed zoning change from R-1 to high density housing.

Do not 'Fall' for a mayor who threatens a tax increase if high density housing is not built in our R-1 neighborhood. Do not 'Fall' for an out-of-state developer who changes the name on his 'LLC' and says his end goal of 'build to rent' has changed. The developer purchased R-1 property knowing his zoning change request was rejected once and the neighborhood was against any change from R-1. Do not 'Fall' for anyone who says the traffic only needs to be studied, the trees will re-grow in 100 years and the run-off water will not flood.

I ask you to 'Stand' for us, for seven votes Again Ordinance 2024-21. 'Stand' with the residents of Mt Vernon and not an out of state developer.

Thank-you, Bob and Linda Beck, 10 Woodside Dr

Communication: 06-24-24 Correspondence (Receive Petitions and Communications)

NOTE: PLEASE READ THIS LETTER INTO THE MINUTES OF THE CITY COUNCIL MEETING
June 24, 2024

To: Mount Vernon City Council
From: Gary Koester
Re: Ordinance 2024-21 Zoning Amendment, 0 Vernonview Dr. Parcel #66-07961.000

I am opposed to changing the zoning of parcel #66-07961.000 from R-1 to PND.
I live in the neighborhood of this proposed Vernonview Dr zoning change. I invested in the purchase of my home in this neighborhood 16 years ago because it was zoned in R-1 area, a nice quiet area with primarily single-family homes. I thought I had a contract with the city to protect my investment and my desire to share in this community. I was not, and am not, looking to reside near a **dense** housing development with 250 apartments units nor to have Mt Vernon take on the character of a Columbus suburb. This proposed development is completely inconsistent with the small-town colonial character of Mount Vernon and the reasons we came to reside here. The development of New Housing Developments in the city of Mt Vernon is getting out of control. In addition, I have not seen a proper CITY document that speaks to how it will manage all these new developments and preserve the character of our community as we know it. So far, there does not appear to be adequate and overall proper planning or transparency here.

Gary Koester
24 Eastgate Drive
Mount Vernon, Ohio 43050
June 20, 2024

NOTE: PLEASE SUBMIT THIS LETTER INTO THE MINUTES OF THE CITY COUNCIL MEETING
June 24, 2024

To: Mount Vernon Municipal Planning Commission
From: Rebecca Gannon
Re: Ordinance No. 2024-21 Zoning Amendment, 0 Vernonview Dr. Parcel #66-07961.000

I am opposed to changing the zoning of parcel #66-07961.000 from R-1 to PND.
I live in the neighborhood of this proposed Vernonview Dr zoning change. I invested in the purchase of my home in this neighborhood 6 years ago because it was zoned in R-1 area, a nice quiet area with primarily single-family homes. I thought I had a contract with the city to protect my investment and my desire to share in this community. I was not, and am not, looking to reside near a **dense** housing development with 250 apartments units nor to have Mt Vernon take on the character of a Columbus suburb. This proposed development is completely inconsistent with the small-town character of Mount Vernon and the reasons we came to reside here. The development of New Housing Developments in the city of Mt Vernon is getting out of control. In addition, I have not seen a proper CITY document that speaks to how it will manage all these new developments and preserve the character of our community as we know it. So far, there does not appear to be adequate and overall proper planning here.

Rebecca Gannon
207 N Edgewood Rd
Mount Vernon, Ohio 43050
June 21, 2024

Communication: 06-24-24 Correspondence (Receive Petitions and Communications)

David F. McCoy
11 Woodside Drive
Mount Vernon, OH 43050

April 12, 2024

Mount Vernon Municipal Planning Commission
Mount Vernon City Council

Subject: 2024-MPC-06

Mr. Mayor and Council Members,
Thank you for the opportunity to speak tonight.

First, I need you to know that I am all for developing our community for future growth, but it has to be responsible and thoughtful development keeping in mind all the things that make us all want to live here. We should not develop just to develop, or to increase available housing unit count.

April 11, I attended the "public hearing" and vote of the Mount Vernon Municipal Planning Commission on the request of Arista Villas Mount Vernon LLC. I thought that the R-1 decision had was made a year ago and still believe that was a wise decision for property owners in close proximity.

At that meeting Mayor Starr commented that this project checked a lot of boxes for him.
What was presented there checked a lot of boxes for me, but in a different light.

Box 1- Mr. Gottkey presented several statistics at the meeting and confidently stated something to the effect of "people" don't want the responsibility that accompanies home ownership. I'm sure that fits some demographic but that wasn't stipulated. The development property in consideration tonight is surrounded by home owners who embrace that responsibility, the associated work, and resulting pride of ownership.

Box 2-Is how this company has chosen to redefine themselves throughout this process. With a small amount of research, you will find that we are still dealing with original purchaser of the property- Banksmore Inc. regardless of the assorted LLCs listed or how they choose to identify themselves.

If you are not familiar with Banksmore, from their website home page, you will find their stated goals.

Committed to Helping Our Investors Build Legacies

Banksmore, Inc., provides passive income financial solutions through real estate investment funds for three types of investors: accredited investors, high net worth individuals, and family offices. Their vision is to develop a billion dollars of new construction <u>build-to-rent, multifamily housing</u> in the next 5-10 years.

<u>Box 3-</u> <u>New Ownership</u>
I question how Arista Villa Mount Vernon LLC. qualified as "new ownership when Publicly available information would suggest otherwise. Even an unaffected resident who was watching the live stream of the meeting picked up on this and penned a letter of concern the Mayor Starr including details and time stamps where testimony seemed to be conflicting.

Communication: 06-24-24 Correspondence (Receive Petitions and Communications)

Banksmore Inc.
100 International Dr, FL 23
Baltimore, MD 21202
Joshua Williams- Principle, Banksmore Inc.- on the right in the picture
Clint Huhra- Chief Acquisition Officer, Banksmore Inc. – on the left in the picture. At the meeting Mr. Huhra portrayed himself as a developer not associated with Banksmore or Joshua Williams. This misrepresentation alone should raise a red flag.

Brooks Group
Owned by **Joshua Williams** of Banksmore Inc
This lists and address of 264 S Bouldin Street Baltimore, Maryland 21224
This is a town home built in 1900 currently off the market

Arista Villa Mount Vernon LLC.
Owned by **Joshua Williams** of Banksmore Inc
This lists an address of 763 County Line Rd Lot 1, Crestline, OH 44827
This is a single-family home currently off the market

I believe that this group will figure out a way to make this project entirely "build to rent", regardless of what they are saying now. The only way Arista Villas can generate acceptable returns for their investors is to keep the properties rented.

I hope you understanding that by granting this request, you will be approving a high-density housing project specifically designed to be transient.

Box 4- I believe this request should not be granted because of conflicts with the current Planning and Zoning Code Chapter 1101- I see that this is now being revised and every homeowner should watch that work very carefully.

Item (C) states that we have to ensure and encourage the proper use of land to stabilize and preserve property values, to protect against congested and unsafe traffic conditions, to provide safety from hazards such as fire, flood, water and air contamination, and to guarantee adequate light, air, and open space to all residents, property owners, and businesses of the City;

Item (D) states that we must facilitate development of land uses according to a comprehensive design that ensures the availability of and provision for adequate traffic capacity.

- Carefully consider what an additional 300 vehicles will do to traffic at the intersection of Coshocton and Vernonview Drive up to Beech Street each weekday morning and evening during rush hour. Previous traffic studies tried to address the flow in this area without significant improvement.
- IF we are able to attract "young professionals" to be employed at the Intel factory, now we have to consider what an additional 300 vehicles traveling south through town will look like each weekday morning and north in the evening.
    - We already have an unsustainable traffic infrastructure in the vicinity of this neighborhood and traversing traffic through town. This additional traffic will only compound that.

Communication: 06-24-24 Correspondence (Receive Petitions and Communications)

REQUESTS-

If I am unable to influence you to reject this change, please consider the following requests

1. Please stipulate owner/occupancy for the single-family homes.
   - Without this I fully expect another Banksmore backed LLC will be formed to purchase the homes and turn them into rental properties.

- Please ask who will manage this property long term?
  - My assumption is that this property will be flipped again to a management company and we will never hear from Banksmore again. We will only be left with the scar

- Please require a bond or trust for payment of property value depreciation due to this project for the surrounding home owners.
  - Regardless of what Banksmore claims, once this becomes a rental development, I believe everyone with property adjoining or near that property will experience declining property values.

I appreciate your time and attention, and can only ask you will consider the long-term ramifications of the decision you are about to make. I'm confident an objective evaluation of what's in the best long-term interest of the city and its residents will result in a decision to retain R-1 zoning for this parcel of land.

I will be glad to discuss or answer any questions at any time.

Respectfully,

David McCoy
28 Year Mount Vernon Resident, Husband, Father, Veteran, Home Owner, and Tax Payer

Communication: 06-24-24 Correspondence (Receive Petitions and Communications)

MountVernon

Employee and Community Relations Committee Meeting Minutes
Committee Meeting
June 10, 2024 – 5:35 p.m. to 6:41 p.m.

COUNCIL PRESENT:	Bruce Hawkins, President Tammy Woods, Third Ward John Ruckman, Second Ward Mike Miller, Fourth Ward Janis Seavolt, At-Large Amber Keener, At-Large Mel Severns, At-Large
COUNCIL ABSENT:	James Mahan, First Ward
OTHERS IN ATTENDANCE:	Matthew Starr, Mayor Tanner Salyers, Safety-Service Director Rob Broeren, Law Director Terry Scott, Auditor

Woods made a motion to go into executive session to discuss collective bargaining, with a second by Keener. Motion passed by a roll-call vote of 5-0 at 5:35 p.m. (Seavolt arrived at 5:40 p.m., and Mahan was absent). Council closed the executive session to discuss collective bargaining and moved into the executive session for investigation of charges or complaints against an employee or official, and compensation. Keener made a motion to exit executive session, with a second by Woods. Motion passed by a roll-call vote of 6-0 at 6:41 p.m. No further meetings on the matters covered in the two executive sessions were requested.

Respectfully submitted,

_____
Tammy Woods, Chair
Employee and Community Relations Committee
Mount Vernon City Council

TW/th

MountVernon

2024-2025

Streets and Public Buildings Committee Meeting Minutes
June 10, 2024 – 6:50 p.m. to 6:57 p.m.

COUNCIL PRESENT:	Bruce Hawkins, President Tammy Woods, Third Ward John Ruckman, Second Ward Mike Miller, Fourth Ward Janis Seavolt, At-Large Amber Keener, At-Large Mel Severns, At-Large
ABSENT:	James Mahan, First Ward
OTHERS IN ATTENDANCE:	Matthew Starr, Mayor Tanner Salyers, Safety-Service Director Rob Broeren, Law Director Terry Scott, Auditor David Stuller, Treasurer Brian Ball, Engineer Emily Ewing, Engineering Robert Morgan, Police Chief Aaron Rinehart, Utilities Director Todd Hill, Clerk Cheryl Splain, Knox Pages

The committee discussed Resolution No. 2024-62, to release a request for qualifications for identifying and selecting a qualified firm or firms to provide design services and construction for a salt barn at 1700 Old Delaware Road. Engineer Brian Ball explained that the current salt barn is too small, in poor condition and in a flood plain. A new structure would cost about $600,000 and hopefully be finished in time for the winter of 2025-26. No further meetings on the matter were requested. Resolution No. 2024-62 was up for a first reading at Council's Legislative Session later in the evening.

Respectfully submitted,

_____

Mel Severns, Chair
Streets and Public Buildings Committee
Mount Vernon City Council
MS/th

Communication: 06-10--24 Streets and Public Buildings Committee Meeting Minutes (Receive Committee Reports)

MountVernon

Finance and Budget Committee Meeting Minutes
Committee Meeting
June 10, 2024 – 7:06 p.m. to 7:09 p.m.

COUNCIL PRESENT:	Bruce Hawkins, President Tammy Woods, Third Ward John Ruckman, Second Ward Mike Miller, Fourth Ward Janis Seavolt, At-Large Amber Keener, At-Large Mel Severns, At-Large
ABSENT:	James Mahan, First Ward
OTHERS IN ATTENDANCE:	Matthew Starr, Mayor Tanner Salyers, Safety-Service Director Rob Broeren, Law Director Terry Scott, Auditor David Stuller, Treasurer Brian Ball, Engineer Emily Ewing, Engineering Robert Morgan, Police Chief Aaron Rinehart, Utilities Director Todd Hill, Clerk Cheryl Splain, Knox Pages

The committee discussed Ordinance No. 2024-28, to amend certain provisions of Chapter 183 of the Codified Ordinances of the City regarding municipal income tax. Law Director Rob Broeren explained that the legislation's purpose is twofold – to incorporate changes required by the Ohio Revised Code, and to update the income tax rate of the City to 2 percent, which the City has been collecting since 2017. No further meetings on the matter were requested. Ordinance No. 2024-28 was up for a second reading at Council's Legislative Session later in the evening.

Respectfully submitted,

_____

Terry Scott, Auditor
City of Mount Vernon

JS/th

Communication: 06-10-24 Finance and Budget Committee Meeting Minutes (Receive Committee Reports)

City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

Meeting: 06/24/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 4051

RESOLUTION 2024-63

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to transfer funds as follows:

1. From Account 701.2720.55511, Water Plant - Equipment, to Account 701.2720.52127, Water Plant-Uniforms, in the amount of $9,000.00.
2. From Account 701.2720.55511, Water Plant-Equipment, to Account 701.2720.53111, Water Plant - Dues/Supplies, in the amount of $10,000.00.
3. From Account 701.2720.55511, Water Plant-Equipment, to Account 701.2720.53312, Water Plant-Plant Maintenance, in the amount of $80,000.00.
4. From Account 701.2720.55511, Water Plant-Plant Equipment, to Account 701.2720.53211, Water Plant-Plant Chemicals in the amount of $110,000.00.

SECTION 2: This Resolution provides for appropriations for the current expenses of the City, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon its date of passage and approval by the Mayor.

COMMENTS - Current Meeting:

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-63, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-63, with a second by Woods. Auditor Terry Scott commented on the legislation, noting that the transfers are needed for lime silos at the Water Plant. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2024-64

Meeting: 06/24/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Contract
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4052

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE NEOGOV SUITE OF PROGRAMS, CONTRACT FOR PAYROLL SERVICES WITH MCDANIELS CPA, AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS IN SUPPORT OF THESE ACTIONS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mount Vernon, Ohio processes its own payroll and does not contract with an outside service to provide payroll services for its employees; and

WHEREAS, several of the unions representing City employees have filed grievances regarding the City's payroll practices; and

WHEREAS, after investigation by Council and the Administration, the City has determined the best way forward to resolve the issues raised in the union grievances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, Ohio:

SECTION 1: The Safety-Service Director for the City of Mount Vernon is hereby authorized and directed to enter into a contract with Governmentjobs.com, Inc., dba "NEOGOV," of El Segundo, Calif., for the NeoGov suite of programs.

SECTION 2: The Safety-Service Director for the City of Mount Vernon is hereby authorized and directed to enter into a contract with McDaniels CPA of Mount Vernon, Ohio for payroll services for a period not to exceed nine (9) months.

SECTION 3: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to transfer funds as follows:

1. From Account 101-3600-54466, Reserve Balance Account, to Account 101-2300-54111, Safety Service Office-Services Received, in the amount of $161,000.00.

SECTION 4: That Section 4 provides for appropriations for the current expenses of the City, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon its date of passage and approval by the Mayor.

SECTION 5: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for further reason to reform its payroll processes and services, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote

of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-64, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-64, with a second by Woods. Safety-Service Director Tanner Salyers stated that $161,000 is needed to contract with NeoGov and McDaniels CPA for payroll services, and that the legislation would draw that from the Reserve Balance Account, from which funds may be utilized for any unforeseen adverse events. He further stated that a staffing shortage in the Auditor's office qualifies as such an event. Auditor Terry Scott noted that there is currently $3.2 million in the Reserve Balance Account. For the benefit of the audience, Miller explained that several of the unions representing City employees have filed grievances regarding the City's payroll practices. Motion to adopt passed by a roll-call vote of 5-2, with Seavolt and Woods voting no.

RESULT:	**ADOPTED [5 TO 2]**
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Keener, Severns, Miller, Mahan, Ruckman
NAYS:	Janis Seavolt, Tammy Woods

City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

Meeting: 06/24/24 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Planning and Zoning
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4010

ORDINANCE 2024-21

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PARCEL #66-07961.000, ALSO KNOWN AS 0 VERNONVIEW DRIVE, FROM THE PRESENT ZONING OF R-1 - SINGLE FAMILY DISTRICT, TO PND - PLANNED NEIGHBORHOOD DISTRICT.

WHEREAS, the Council of the City of Mount Vernon has received an application for rezoning certain property within the City of Mount Vernon, specifically Parcel #66-07961.000, also known as 0 Vernonview Drive; and

WHEREAS, the Municipal Planning Commission for the City of Mount Vernon met on April 11, 2024 and voted 4-1 to approve the zoning change for Parcel #66-07961.000 from R1 - Single Family District, to PND - Planned Neighborhood District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the City of Mount Vernon hereby amends the zoning classification of Parcel #66-07961.000, also known as 0 Vernonview Drive. The zoning will be as indicated:

PARCEL NO.	PROPOSED ZONING
#66-07961.000	PND - Planned Neighborhood District

SECTION 2: That the zoning classification be recorded in Title XI of the Planning and Zoning Codes of the Codified Ordinances of the City of Mount Vernon.

HISTORY:

04/22/24 City Council FIRST READING

Ordinance No. 2024-21 was given a first reading. Keener requested a five-minute meeting of the Land Use and Development Committee on the legislation for May 13, 2024.

05/13/24 City Council POSTPONED TO A CERTAIN TIME

Keener made a motion to postpone the second reading of Ordinance No. 2024-24 from May 13, 2024 to June 10, 2024, with a second by Seavolt. Keener made a motion to amend her motion to postpone, to also postpone the scheduled public hearing on the legislation from May 28, 2024 to June 24, 2024, with a second by Seavolt. Motion to amend passed by a roll-call vote of 6-1, with Miller voting no. Motion to postpone passed by a roll-call vote of 6-1, with Miller voting no.

06/10/24 City Council SECOND READING

Ordinance No. 2024-21 was given a second reading. There will be a public hearing on the legislation at 6:45 p.m. on June 24, 2024.

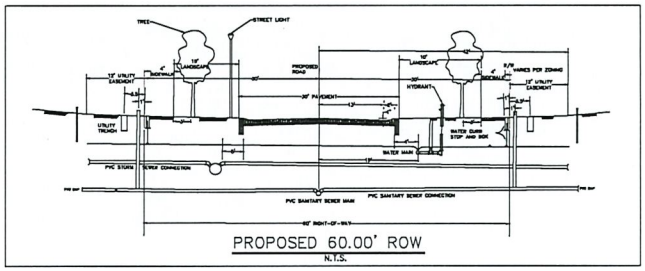
COMMENTS - Current Meeting:

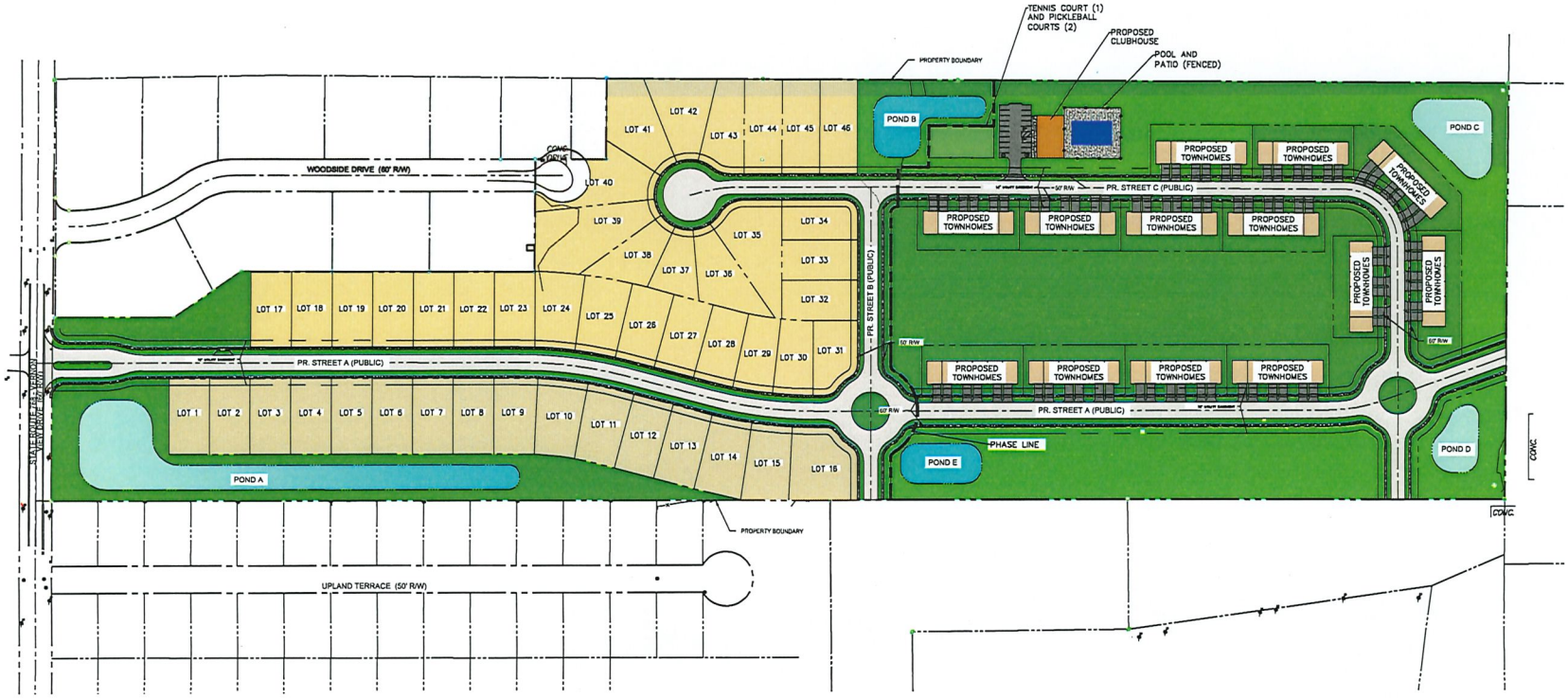
Keener made a motion to adopt Ordinance No. 2024-21, with a second by Mahan. Each of the Council members explained the reasons for their vote. Motion to adopt passed by a roll-call vote of 4-3, with Seavolt, Severns and Woods voting no.

RESULT:	**ADOPTED [4 TO 3]**
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Amber Keener, Mike Miller, James Mahan, John Ruckman
NAYS:	Janis Seavolt, Tammy Woods, Mel Severns

SITE DATA TABLE

SITE AREA	
TOTAL SITE AREA:	1,738,732 SF(39.92 AC)
DEVELOPMENT AREA:	1,498,807 SF(34.38 AC)
FLOOD ZONE	
ZONE X – FEMA MAP 39083C0189D REV. 07/07/2009	
ZONING	
PND	
FUTURE LAND USE	
SINGLE AND MULTI-FAMILY	
EXISTING USE	
VACANT	
BUILDINGS	
SINGLE FAMILY:	45 UNITS
TOWNHOMES:	76 UNITS
PARKING	
SINGLE FAMILY:	2-CAR GARAGE PLUS DRIVEWAY
TOWNHOMES:	2-CAR GARAGE PLUS DRIVEWAY





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SCALE: 1 INCH = 100 FEET

DRAWING SCALE

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE ENGINEER PREPARING THESE PLANS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

REVISIONS

Date	Description	No.

CLIENT

ARISTA VILLAS MOUNT VERNON, LLC

PROJECT

ARISTA VILLAS

VERNONVIEW DRIVE

MOUNT VERNON OHIO

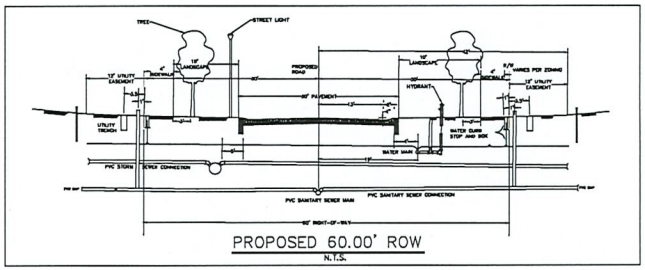
SHEET TITLE

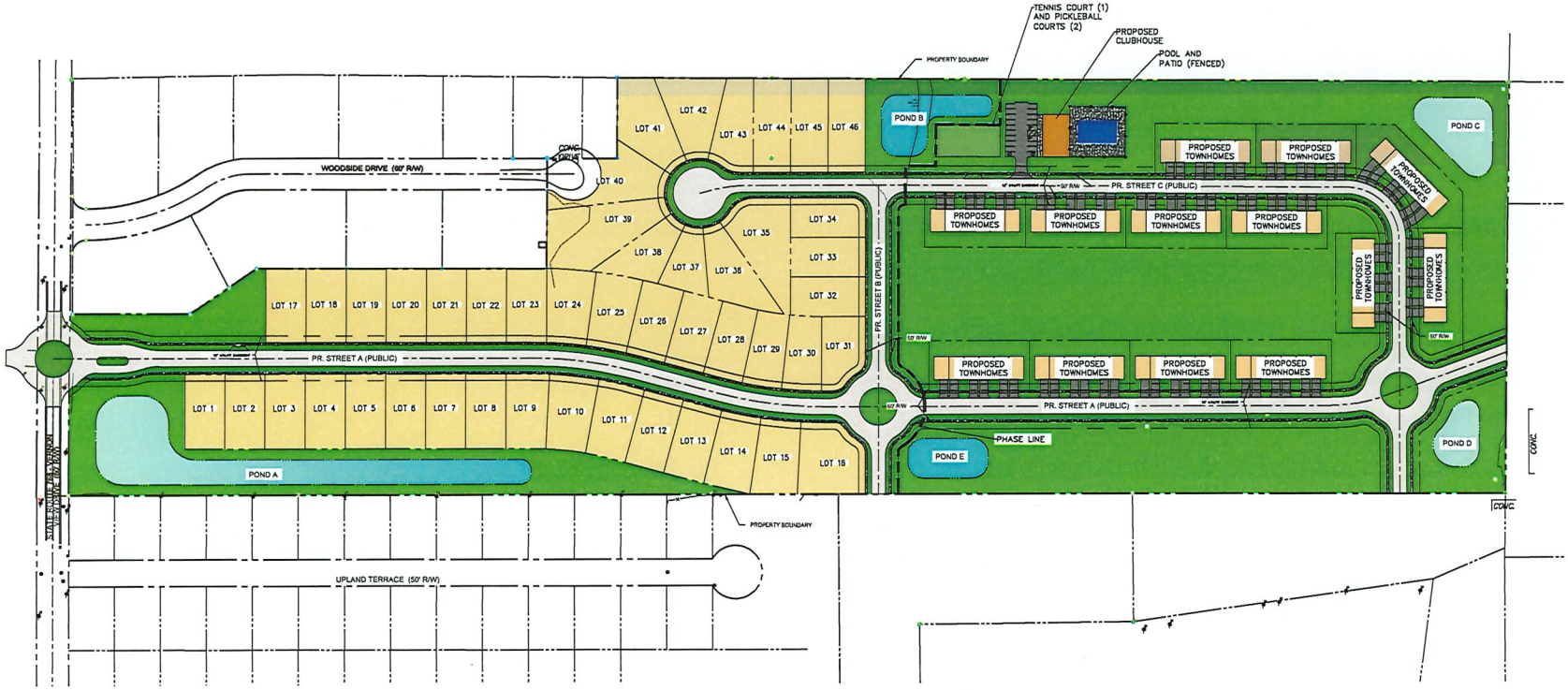
CONCEPTUAL SITE PLAN

PROJECT NO. 230031	SHEET NO. CP01
DATE 2024-06-19	
Drawn By JBO	
Checked By JBO	

SITE DATA TABLE

SITE AREA	
TOTAL SITE AREA:	1,738,732 SF(39.92 AC)
DEVELOPMENT AREA:	1,498,807 SF(34.38 AC)
FLOOD ZONE	
ZONE X – FEMA MAP 39083C0189D REV. 07/07/2009	
ZONING	
PND	
FUTURE LAND USE	
SINGLE AND MULTI-FAMILY	
EXISTING USE	
VACANT	
BUILDINGS	
SINGLE FAMILY:	46 UNITS
TOWNHOMES:	78 UNITS
PARKING	
SINGLE FAMILY:	2-CAR GARAGE PLUS DRIVEWAY
TOWNHOMES:	2-CAR GARAGE PLUS DRIVEWAY





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DRAWING SCALE

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REVISIONS

Date	Description	No.

CLIENT

ARISTA VILLAS
MOUNT VERNON, LLC

PROJECT

ARISTA VILLAS

MOUNT VERNON VERNONVIEW DRIVE OHIO

SHEET TITLE

CONCEPTUAL SITE PLAN

PROJECT NO. 230031	SHEET NO. CP01
DATE 2024-06-19	
Drawn By JBD	
Checked By JBD	

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City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

Meeting: 06/24/24 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Planning and Zoning
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4037

ORDINANCE 2024-27

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PARCEL #70-50046.000 AND PARCEL #70-50054.000, ALSO KNOWN AS 875 HARCOURT ROAD, FROM THE PRESENT ZONING OF CLINTON TOWNSHIP GB - GENERAL BUSINESS, TO GB - GENERAL BUSINESS; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Mount Vernon has received an application for rezoning certain property within the City of Mount Vernon, specifically Parcel #70-50046.000 and Parcel #70-50054.000, also known as 875 Harcourt Road; and

WHEREAS, the Municipal Planning Commission for the City of Mount Vernon met on May 9, 2024 and voted unanimously to approve the zoning change for Parcel #70-50046.000 from Clinton Township GB - General Business, to GB - General Business; and for Parcel #70-50054.000 from Clinton Township GB - General Business, to GB - General Business.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the City of Mount Vernon hereby amends the zoning classification of Parcel #70-50046.000 and #70-50054.000, also known as 875 Harcourt Road. The zoning will be as indicated:

PARCEL NO.	PROPOSED ZONING
#70-50046.000	GB - GENERAL BUSINESS
#70-50054.000	GB - GENERAL BUSINESS

SECTION 2: That the zoning classification be recorded in Title XI of the Planning and Zoning Codes of the Codified Ordinances of the City of Mount Vernon.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to allow for the development of business within the City, the said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

05/28/24	**City Council**	**FIRST READING**

Ordinance No. 2024-27 was given a first reading. There will be a public hearing on the legislation at 6:40 p.m. on Monday, June 24, 2024. Law Director Rob Broeren explained the state requirement for a public hearing on rezoning legislation.

06/10/24 City Council SECOND READING

Ordinance No. 2024-27 was given a second reading. There will be a public hearing on the legislation at 6:40 p.m. on June 24, 2024.

COMMENTS - Current Meeting:

Keener made a motion to adopt Ordinance No. 2024-27, with a second by Mahan. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Amber Keener, At Large
SECONDER:	James Mahan, First Ward
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

City of Mount Vernon, Ohio
Development Services
40 Public Square
Mount Vernon, OH 43050
Phone 740-393-2033 |DSM@MountVernonOhio.org

To: Clerk of Council

May 20, 2024

Municipal Planning Commission
Meeting Date: May 9, 2024

Case Number: 2024-MPC-08
Zoning Amendment for parcels 70-50046.000 and 70-50054.000 from Clinton TWP GB to GB

Ordinance 2023-43 accepted the annexation of the aforementioned parcels. §1151.09(b) directs inclusion of the annexed territory in one or more of the zoning districts of the City. This initiation was submitted by the Development Services Manager for review by the Municipal Planning Commission for a recommendation to City Council.

A public hearing was held and testimony ensued about the proposed zoning amendment. Following testimony:

> **Todd Hawkins made a motion to recommend approval of the proposed Zoning Amendment from Clinton TWP GB to GB to City Council. Austin Swallow seconded the motion.**
>
> **The motion passed with a 5-0, affirmative vote.**
> **(Yes: Starr, Salyers, Ellsworth, Hawkins; Swallow)**

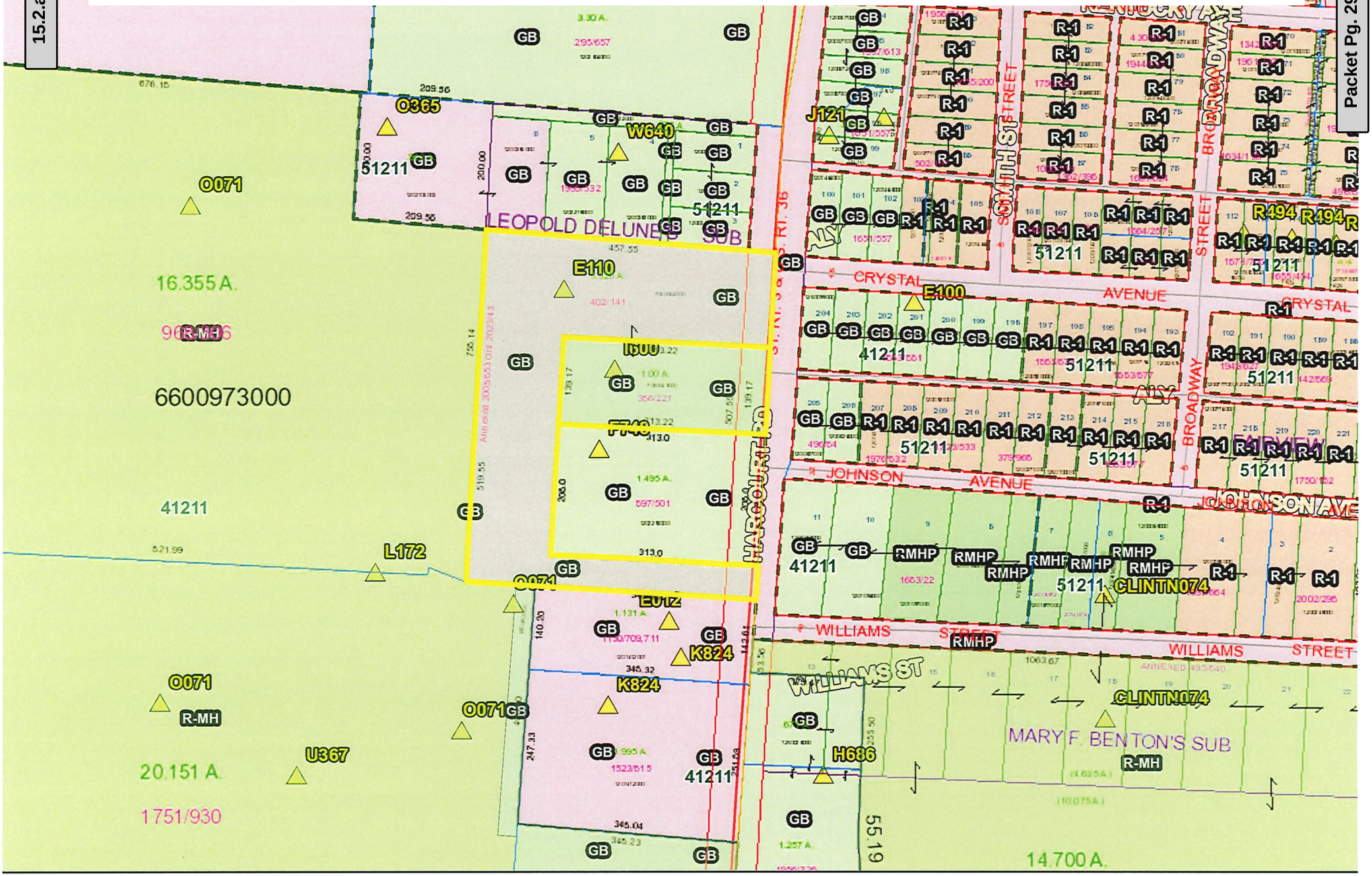
Per §1156.04 Council shall consider the recommendation of the Municipal Planning Commission for the proposed amendment and determine the final approval or denial.

Warm Regards,

Lacie Blankenhorn

Lacie Blankenhorn
Development Services Manager

Attachment: 875 Harcourt Road rezone (2024-27 : Rezone Parcels Annexed from Clinton Twp)



	AG	C-1	HOB	LI-1	MHPD-1	PND	R-4	RPUD	VC
ood Codes	AG/R	CB	I-1	M	NB-1	PUD	R-MH	RR	
	B-1	CC	I-2	M-1	NC	R	RC	RRA	

Sca

City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

Meeting: 06/24/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener
Category: Personnel
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4048

ORDINANCE 2024-30

AN ORDINANCE FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON IN THE PUBLIC WORKS DEPARTMENT; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the following positions are hereby authorized as indicated:

DEPARTMENT OF PUBLIC WORKS
~~3~~ **5** Public Works Crew Leaders
~~1~~ **2** Public Works Traffic Signal Technicians
Not more than ~~16~~ **13** Public Works Technicians
2 Customer Support Specialists II
Seasonal Personnel

Use of the above mentioned said personnel is authorized as required to meet the work demands of the Public Works Department as appropriated.

SECTION 2: Any provision in legislation previously adopted which is in conflict with this Ordinance is repealed.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and to allow proper utilization of staff within the Public Works Department and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

06/10/24 City Council FIRST READING

Ordinance No. 2024-30 was given a first reading. Woods requested a five-minute meeting of the Employee and Community Relations Committee on the legislation for June 24, 2024.

COMMENTS - Current Meeting:

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-30, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods

made a motion to adopt Ordinance No. 2024-30, with a second by Keener. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Tammy Woods, Third Ward
SECONDER:	Amber Keener, At Large
AYES:	Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 06/24/24 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4050

ORDINANCE 2024-31

AN ORDINANCE TO PROHIBIT THE SALE OF RECREATIONAL MARIJUANA, IN ANY ZONING DISTRICT IN THE CITY OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, this Council has determined it to be in the best interest of the community health, safety and welfare to prohibit the sale of recreational marijuana within the City of Mount Vernon.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio, that:

SECTION 1: That Section 1151.11 entitled "PROHIBITION OF SALE OF RECREATIONAL MARIJUANA" be added to Chapter 1151 of the Codified Ordinances of the City of Mount Vernon, and shall read as follows:

(a) Definitions.

(1) "Recreational marijuana" means marijuana that is cultivated, processed, dispensed, sold, possessed, or used for recreational purposes.

(2) "Sale" means to give, sell, or otherwise distribute recreational marijuana.

(b) Prohibited Activities. The sale of recreational marijuana is prohibited in all zoning districts in the City of Mount Vernon, Ohio.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for further reason to meet the deadline of July 11, 2024 to enact this prohibition, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Ordinance No. 2024-31 was given a first reading. Keener requested a five-minute meeting of the Land Use and Development Committee on the legislation for July 8, 2024.

RESULT:	**FIRST READING**	**Next: 7/8/2024 7:30 PM**

City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

Meeting: 06/24/24 7:30 PM
Dept: Land Use and Development
Keener, Mahan

Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4053

ORDINANCE 2024-32

AN ORDINANCE TO REPLACE PART ELEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING VIOLATIONS OF THE CITY ZONING CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mount Vernon's Zoning Code was drafted and enacted in the 1990s; and

WHEREAS, the Zoning Code received minor updates in the 2000s; and

WHEREAS, beginning in July 2021, the City engaged in a process to review the Zoning Code in light of the City's strategic plan, the City's goals for development, changes in land use law and public input, and draft a new, modern zoning code for the City.

WHEREAS, the Municipal Planning Commission for the City of Mount Vernon met on May 9, 2024 to accept public input on the new planning and zoning code and subsequently met on June 6, 2024 and voted 5-0 to approve the City of Mount Vernon Planning and Zoning Code and accompanying zoning map.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio, that:

SECTION 1: Part Eleven of the Codified Ordinances of the City of Mount Vernon is replaced by the City of Mount Vernon Planning and Zoning Code attached as Exhibit A, and the City of Mount Vernon Zoning Map attached as Exhibit B.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public, peace, health and safety, and for the further reason to allow the City to regulate development more efficiently and effectively, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

COMMENTS - Current Meeting:

Ordinance No. 2024-32 was given a first reading. Keener requested a 15-minute meeting of the Land Use and Development Committee on the legislation for July 8, 2024.

RESULT:	**FIRST READING**	**Next: 7/8/2024 7:30 PM**

Mount Vernon

An Innovative Community; Authentically Hometown

City of Mount Vernon Planning and Zoning Code

Public Hearing Draft – May 22, 2024

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Chapter 1101: General Provisions

1101.01 PURPOSE

It is the purpose of this planning and zoning code to promote and protect the public health, safety, comfort, prosperity, convenience, and general welfare of the people of the City of Mount Vernon through the establishment of minimum regulations governing the subdivision, development, structures, and use of land. Furthermore, the more specific purpose of this planning and zoning code is to:

(a) Implement the City of Mount Vernon Strategic Plan and other policies or plans adopted or approved by the City as they relate to the development of land;

(b) Encourage and facilitate orderly, efficient, and appropriate growth and development;

(c) Ensure and encourage the proper use of land to stabilize and preserve property values, to protect against congested and unsafe traffic conditions, to provide safety from hazards such as fire, flood, water and air contamination, and guarantee adequate light, air, and open space to all residents, property owners, and businesses of the City;

(d) Facilitate development of land uses according to a comprehensive design that ensures the availability of and provision for adequate traffic capacity, water and sewer service, schools, public parklands, and other such public facilities;

(e) Specify and regulate uses of land and the type, size, and use of structures within each separate zoning district;

(f) Delineate zoning district boundaries in a manner which is comprehensive and includes all land and structures similar in nature and circumstance to the extent feasible;

(g) Provide for adequate access to all areas of the City by people of all abilities and by varied modes of transportation;

(h) Preserve unique historical and natural features of structures and land within the City;

(i) Encourage interconnectivity of developments in order to provide multiple access points in and out of developments for safety purposes and traffic dispersion;

(j) Improve the quality of life through protection of the City's total environment including, but not limited to, the prevention of air, water and noise pollution;

(k) Avoid the inappropriate subdivision or development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage;

(l) Foster a more rational pattern of relationship between recreation, conservation, residential, business, commercial, industrial, and institutional uses for the mutual benefit of all;

(m) Implement the provisions of Ohio Revised Code Chapter 713; and

(n) Implement any other common law rulings.

1101.02 AUTHORITY

(a) **General Authority**

(1) The authority for the preparation, adoption, and implementation of this code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permit the adoption of uniform rules and regulations governing the zoning and subdivision of land.

(2) Nothing in this code shall be construed to limit City Council in the exercise of all of its powers to zone or redistrict now or hereafter authorized by the Ohio Constitution or Ohio statutes.

(b) **References to the Ohio Revised Code (ORC) or the Ohio Administrative Code (OAC)**

Whenever any provision of this code refers to or cites a section of the ORC (as amended) or the OAC (as amended), and that section is later amended or superseded, this code shall be deemed amended to refer to the amended section, or the section that most nearly corresponds to the superseded section.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1101.03 TITLE

These regulations shall be known and may be cited as the "Planning and Zoning Code of the City of Mount Vernon," or may be referred to as the "planning and zoning code," the "zoning code," or the "code." This code may also be referred to as Part 11 of the Codified Ordinances of the City of Mount Vernon, Ohio.

1101.04 APPLICABILITY

(a) No structure or part thereof shall be placed upon or moved onto land, erected, constructed, reconstructed, enlarged or structurally altered, nor shall any building or land be used or occupied which does not comply with the district regulations established by this code for the district in which the building, structure or land is located.

(b) The provisions of this code shall apply to all land, buildings, structures, and uses of land, buildings, and structures, or portions thereof, located within the municipal boundaries of the City of Mount Vernon in Knox County, Ohio. The provisions of this code are the minimum requirements adopted to meet the purposes of this code as established in Section 1101.01.

(c) The regulations of this code shall also govern all subdivision of land and public improvements within the corporate limits of the City of Mount Vernon.

(d) The regulations established for each district in this code shall apply uniformly to each class or type of use, land, building, or structure, unless modified, varied or waived as provided herein.

(e) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

1101.05 EFFECTIVE DATE

Any amendment to this code shall become effective 30 days after the City council passes an ordinance approving the amendment, unless otherwise provided for in Section 1103.03.

1101.06 CONSISTENCY WITH ADOPTED PLANS

The administration, enforcement, and amendment of this code should be consistent with the most recently adopted version of the City of Mount Vernon's Strategic Plan or other adopted plans or polices, as may be amended. Such plan, or references to such plan, shall also include other adopted or approved plans within the City that relate to development including, but not limited to, a comprehensive plan, land use plan, thoroughfare plan, parks and recreation plan, etc. Amendments to this code should maintain and enhance the consistency between this code and the City of Mount Vernon Strategic Plan or any other adopted or approved City plans.

1101.07 INTERPRETATION AND CONFLICTS

(a) **Interpretation of Provisions**

The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, convenience, prosperity, and general welfare.

(b) **Conflict with Other Public Laws, Ordinances, Regulations, or Permits**

This code is intended to complement other City, State, and Federal regulations that affect land use and the division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

(c) **Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1101.08 RELATIONSHIP WITH THIRD-PARTY PRIVATE AGREEMENTS

(a) This code is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.

(b) Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.

(c) In no case shall the City be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the City is a named party in and has been granted the right to enforce the provisions of such agreement.

1101.09 SEPARABILITY CLAUSE

(a) If any court of competent jurisdiction invalidates any provision of this code, then such judgment or ruling shall not affect the validity and continued enforcement of any other provision of this code.

(b) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment or ruling shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment or ruling.

(c) If any court of competent jurisdiction invalidates any condition attached to the approval of a development review application, then such judgment or ruling shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment or ruling.

1101.10 TRANSITIONAL RULES

(a) **Purpose**

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this code amendment.

(b) **Violations Continue**

(1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under Chapter 1116: Enforcement and Penalties unless the use, development, construction, or other activity complies with the provisions of this code.

(2) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this code.

(c) **Nonconformities Continue**

(1) Any nonconformity that was legally established and that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist. All such nonconformities shall be controlled by does not interfere with traffic circulation, intersection visibility, or emergency vehicle access. See Chapter 1115: Nonconformities.

(2) If a legally established nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

(3) Any nonconformity that was not legally established in accordance with the provisions of this code shall not be protected and shall be considered a violation of this code.

(d) **Processing of Applications Commenced or Approved Under Previous Regulations**

(1) **Pending Projects**

A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the City.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

B. If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire and subsequent applications shall be subject to the requirements of this code.

C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

D. An applicant with a pending application may waive review available under prior regulations and request review under the provisions of this code by requesting such waiver, in writing, to the Zoning Enforcement Officer.

(2) **Approved Projects**

A. Approved planned developments, variances, certificates of appropriateness, conditional uses, zoning permits, or other approved plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.

B. Any building or development for which a permit or certificate was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit or certificate remains valid.

C. If the development for which the permit or certificate is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

(e) **Vested Rights**

The transitional rule provisions of this section are subject to Ohio's vested rights laws. See also the Ohio Attorney General Opinion 84-037.

1101.11 RESTORATION OF UNSAFE BUILDINGS

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

1101.12 USE OF GRAPHICS, TABLES, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES

(a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

(b) In some instances, cross-references between chapters, sections, and subsections are provided that include the number along with the name of the referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

(c) A table shall be considered text for the purposes of this code, unless specifically identified as a figure.

1101.13 BURDEN OF PROOF

(a) The burden of demonstrating that an application, development, structure, or use of land or structures subject to this code complies with applicable review and approval standards rests with, and is the responsibility of, the applicant.

(b) The burden of proof also rests with, and is the responsibility of, any person claiming that a nonconformity was established legally under a previous amendment of this code.

(c) The burden of proof is not the responsibility of the City or other parties to demonstrate that the standards have (or have not) been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this code.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1102: Decision-Making Roles and Authorities

1102.01 PURPOSE

The purpose of this chapter is to set forth the powers and duties of the City of Mount Vernon's various review boards and administrative staff with respect to the administration and enforcement of the provisions of this code.

1102.02 REVIEW AUTHORITY NAMES, REFERENCES, AND DELEGATION

(a) **Review Authority Names and References**

For the purposes of this code, the following are the formal names of the administration and decision-making authorities identified in this code and the abbreviated names they may be referred to:

(1) The City of Mount Vernon City Council may be hereafter also be referred to as "City Council" or "Council."

(2) The City of Mount Vernon Municipal Planning Commission may be hereafter also be referred to as the "Planning Commission" or "MPC."

(3) The City of Mount Vernon Board of Zoning Appeals may be hereafter also be referred to as the "Board" or "BZA."

(4) The City of Mount Vernon Historical Review Commission may be hereafter also be referred to as the "Historical Review Commission" or "HRC."

(5) The City of Mount Vernon Safety Service Director may be hereafter referred to as the "SSD."

(6) The City of Mount Vernon Zoning Enforcement Officer may be hereafter also be referred to as the "Zoning Enforcement Officer or "ZEO."

(7) The City of Mount Vernon Property Maintenance Enforcement Officer may be hereafter referred to as the "PMEO."

(b) **Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

1102.03 CITY COUNCIL

In addition to any other authority granted to the City Council by ordinance or State law, the City Council shall have the following powers and duties, as it relates to this code:

(a) Initiate, hear, review, and make decisions related to amendments to the text of this code or the zoning map;

(b) Hear, review, and make decisions related to Planned Developments in accordance with Chapter 1107: Planned Development Districts;

(c) Review and accept, where appropriate, any proposed dedication of streets, utilities, and other public improvements required by this code;

(d) Establish fees for development review procedures, certificates, and permits outlined in this code;

(e) Perform any other duties related to the administration and enforcement of this code as authorized by this code and the ORC.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1102.04 REVIEW BOARDS

For the purposes of this code, there shall be review boards established for the administration and enforcement of this code including the MPC, BZA, and HRC.

(a) **General Rules and Regulations for All Review Boards**

The following shall apply to the MPC, BZA, and HRC

(1) Unless otherwise allowed by the ORC or this code, all members of a review board, at the date of their respective appointments, shall be residents of the City and shall continue to be residents of the City during the terms of their office with the exception of the Safety Service Director.

(2) Members of the review boards shall not be employed or appointed to any Mount Vernon department or office except where the ORC mandates such or the requirements of this chapter allow for.

(3) Members of any review board shall be removable for nonperformance of duty, misconduct in office or other cause, by the Mayor, upon written charges having been filed with the Mayor and after a public hearing by City Council has been held regarding such charges. A copy of the charges shall be served upon the member at least 10 days prior to the hearings, either personally, by registered mail or by leaving the same at their usual place of residence. The member shall be given opportunity to be heard and answer such charges.

(4) The Chairperson of each review board shall advise City Council, by letter, if any member of the applicable review board has been absent from all meetings held during any period of 90 consecutive days or who has been absent from a total of one-fourth of the regular meetings during a calendar year. City Council shall consider removing such member.

(5) A vacancy occurring during the term of any member of a review board shall be filled through the same manner as the position was originally filled, for the unexpired term in a manner authorized for the original appointment.

(6) The review boards may, by a majority vote of its entire membership at the time of consideration, adopt bylaws or rules for the governance of said board, provided they are consistent with State law and with any ordinances of the City.

(7) The review boards shall keep a record of their meetings and hearings, which shall be a public record.

(8) All meetings of the review boards shall be open to the public, except as exempted by law.

(9) The departments, divisions, and agencies of the City shall cooperate with and assist the boards in implementing the purposes for which they are formed.

(10) **Meetings**

A. Each review board shall hold public meetings as it may require for conducting its business.

B. The Chairperson of each board or the ZEO may cancel a meeting if there is no pending business to be conducted.

C. Special meetings may be called by the ZEO, Chairperson or their designee, or by a vote of the applicable review board at its regular meeting.

D. At either the first meeting or the last regular meeting of each year, or when practical, each review board may elect a Chairperson who shall serve for a one-year term. The review boards may also elect a Vice-Chairperson, who shall also serve for a one-year term. These officers shall be elected from among the members of the applicable boards. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson. For the MPC and HRC, if there is no election for a Chairperson or Vice-Chairperson, the Mayor shall serve as the Chairperson and the SSD shall serve as the Vice-Chairperson, as applicable.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(b) Organization and Roles of the Municipal Planning Commission (MPC)

(1) Establishment

The City of Mount Vernon MPC is hereby established by City Council pursuant to Chapter 713 of the ORC.

(2) Membership and Terms

Membership of the MPC shall be in accordance with Chapter 713 of the ORC, including the length of terms.

(3) Alternates

A. The Mayor may appoint up to two alternate members for a term of five years each. Such appointments shall only be for people who may serve as alternates for members of the MPC that are not the Mayor or the Safety Service Director.

B. The Mayor and the Safety Service Director are authorized to designate a person to serve as an alternate on their behalf.

C. An alternate member shall take the place of an absent regular member at any meeting of the MPC. An alternate shall also take the place of a regular member that has to recuse themselves or abstain from a discussion or action.

D. An alternate member shall meet the same appointment criteria as a regular member for all members except the Mayor and Safety Service Director.

E. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for provided the member attended all pertinent public meetings or hearings.

F. When a vacancy occurs, alternate members do not automatically become full members of the MPC. Alternate members have to be appointed by the Mayor to replace a full member upon a vacancy.

(4) Roles and Powers of the MPC

The MPC shall have the following roles and powers:

A. Initiate, hear, review, and make recommendations to City Council for the approval of plans for the future physical development and improvement of the City, based upon utility, convenience and beauty, physical needs, density and the social welfare and physical well-being of the people;

B. Initiate, hear, review, and make recommendations to City Council related to amendments to the text of this code or the zoning map;

C. Hear, review, and make decisions on conditional uses in the respective zoning district;

D. Hear, review, and make recommendations or decisions related to Planned Developments in accordance with Chapter 1107: Planned Development Districts;

E. Hear, review and make decisions on requests for substitution of nonconforming uses in accordance with Section 1115.04;

F. Review and make decisions on the preliminary subdivision plats and final subdivision plats for major subdivisions;

G. Review and make decisions on requests for subdivision modifications;

H. Hear, review and make decisions on alternative equivalency review applications, when the proposed alternative equivalency review provision is not related to a certificate of appropriateness application;

I. Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by City Council, or the administration; and

J. Perform any other duties related to the administration and enforcement of this code as authorized by this code, by ordinance of City Council, and/or by the ORC.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(5) Quorums and Decisions

A. Any combination of three or more regular members, including the Mayor or Safety Service Director, or alternate members of the MPC shall constitute a quorum.

B. A motion made on a decision shall carry when at least three members of the MPC concur.

C. General business items that do not include decisions on applications, such as continuances or approval of minutes, shall only require a majority of the quorum to concur.

D. A member of a MPC shall not be qualified to vote if that member did not attend the public hearing or meeting of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing or meeting, as applicable.

E. A member of the MPC shall not be qualified to vote if they have a direct or indirect interest in the issue subject to the application or any other conflict of interest.

(6) Special Provisions for Conditional Use Hearings

A. The MPC has appellate jurisdiction relative to the review of conditional use applications.

B. The MPC shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.

C. The MPC shall have the power to subpoena and compel the attendance of witnesses, to administer oaths, to compel testimony and to produce reports, findings and other evidence pertinent to any issue referred to it for decision.

D. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. Comments may also be submitted in writing or verbally to the ZEO in advance of the hearing.

E. The privilege of cross-examination of witnesses shall be accorded all interested parties or their attorney.

(c) Organization and Roles of the Board of Zoning Appeals (BZA)

(1) Establishment

The City of Mount Vernon Board of Zoning Appeals is hereby established.

(2) Membership and Terms

A. The BZA shall be composed of a total of five members appointed by the Mayor and approved by City Council.

B. The term of all members shall be five years and their terms shall be so arranged that the term of one member shall expire each year.

(3) Alternates

A. The Mayor may appoint up to two alternate members, with approval from City Council, for a term of five years each.

B. An alternate member shall take the place of an absent regular member at any meeting of the BZA. An alternate shall also take the place of a regular member that has to recuse themselves or abstain from a discussion or action.

C. An alternate member shall meet the same appointment criteria as a regular member.

D. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for provided the member attended all pertinent public meetings or hearings.

E. When a vacancy occurs, alternate members do not automatically become full members of the BZA. Alternate members have to be appointed by the Mayor to replace a full member upon a vacancy.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(4) Roles and Powers of the BZA

The BZA shall have the following roles and powers to:

A. Hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the HRC, ZEO, or other staff member authorized to make such decisions or orders, unless another appeals board is established by this code;

B. Hear, review, and decide on variance requests in accordance with the applicable provisions of this code;

C. Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section 1104.03(b);

D. To permit the completion, restoration, reconstruction, expansion, or extension of a nonconforming use where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship (See Chapter 1115: Nonconformities.); and

E. Perform any other duties related to the administration and enforcement of this code as authorized by this code or the ORC.

(5) Quorums and Decisions

A. Any combination of three or more regular or alternate members of the BZA shall constitute a quorum.

B. A motion made on a decision shall carry when at least three members of the BZA concur.

C. General business items that do not include decisions on applications, such as continuance or approval of minutes, shall only require a majority of the quorum to concur.

D. A member of a BZA shall not be qualified to vote if that member did not attend the public hearing of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing.

E. A member of the BZA shall not be qualified to vote if they have a direct or indirect interest in the issue subject to the application or any other conflict of interest.

(6) Special Provisions for BZA Hearings

A. The BZA has appellate jurisdiction relative to appeals and variances.

B. The BZA shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.

C. The BZA shall have the power to subpoena and compel the attendance of witnesses, to administer oaths, to compel testimony and to produce reports, findings and other evidence pertinent to any issue referred to it for decision.

D. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. Comments may also be submitted in writing or verbally to the ZEO in advance of the hearing.

E. The privilege of cross-examination of witnesses shall be accorded all interested parties or their attorney.

(7) Record of Decisions

Following the BZA's decision, the applicant shall be notified of the decision, in writing, including any conditions of approval.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(d) Organization and Roles of the Historical Review Commission (HRC)

(1) Establishment

The City of Mount Vernon Historical Review Commission (HRC) is hereby established.

(2) Membership and Terms

A. The HRC shall be composed of the members of the MPC plus two additional members appointed by the Mayor and confirmed by City Council. These two additional members shall represent the historical districts and at least one of them shall be a resident freeholder from within the districts.

B. An attempt shall be made to appoint such additional members from fields or professions related to historic preservation, architecture, building inspection, City planning, or similar directly related fields.

C. The term of the MPC members of the HRC shall be that established by Section 1102.04(b)(2). For the two additional members, their terms shall be five years.

(3) Roles and Powers of the HRC

The HRC shall have the following roles and powers to:

A. Review and make decisions with respect to certificates of appropriateness regarding any change, demolition, construction, preservation, restoration, reconstruction, and rehabilitation of any structure or property within its jurisdiction;

B. Review and make decisions on certain alternative equivalent compliance applications as it relates to historic district guidelines;

C. Make recommendations regarding amendments to this code as they affect historic districts and related guidelines and standards;

D. Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources; and

E. Perform any other duties related to the administration and enforcement of this code as authorized by this code or by ordinance of City Council.

(4) Quorums and Decisions

A. Any combination of four or more members of the HRC shall constitute a quorum.

B. A motion made on a decision shall carry when at least four members of the HRC concur.

C. General business items that do not include decisions on applications, such as continuances or approval of minutes, shall only require a majority of the quorum to concur.

D. A member of a HRC shall not be qualified to vote if that member did not attend the public hearing or meeting of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing or meeting, as applicable.

E. A member of the HRC shall not be qualified to vote if they have a direct or indirect interest in the issue subject to the application or any other conflict of interest.

1102.05 ZONING ENFORCEMENT OFFICER (ZEO)

(a) Establishment

The position of City of Mount Vernon ZEO shall be established to aid in the administration and enforcement of this code. The ZEO may be provided with the assistance of such other persons as the SSD may direct.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(b) Roles and Powers of the ZEO

The ZEO shall have the following roles and powers to:

(1) Enforce the provisions of this code. The ZEO shall have all necessary authority on behalf of the City to administer and enforce the provisions of this code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this code and the ability to bring legal action to ensure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding. All officials and employees of the City may assist the ZEO by reporting to the ZEO any new construction, reconstruction, land uses, or violations that are observed;

(2) Review and provide comments and reports, as needed, for the various procedures where the MPC, HRC, BZA, or City Council reviews an application;

(3) Review and make administrative decisions on zoning permits and administrative waiver applications;

(4) Review and make decisions on questions of interpretation related to this code;

(5) Accept, review for completeness, and respond to questions regarding review procedure applications established in this code;

(6) Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;

(7) Coordinate the City's administrative review of applications required by this code, including, but not limited to, rezoning applications, conditional use applications, and subdivision plats;

(8) Review and make decisions on minor subdivision applications;

(9) Maintain in current status the official zoning map;

(10) Serve as the Secretary of the MPC, BZA, and HRC;

(11) Refer requests for appeals of decisions to the BZA pursuant to the procedures established in Section 1103.07;

(12) Provide such technical and consultation assistance as may be required by the BZA, HRC, the MPC, and City Council, in the exercise of their duties relating to this code;

(13) Maintain permanent and current records of all applications and the decisions related to those applications;

(14) Review, inspect property, and make decisions on compliance with the provisions of this code;

(15) Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;

(16) Order discontinuance of any illegal work being done;

(17) Revoke a zoning permit issued contrary to this code or based on a false statement or misrepresentation on the application;

(18) Recommend to the MPC revocation of conditional use where they believe the terms of permits have been violated;

(19) Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code;

(20) Prepare and submit an annual report to the City Council and MPC on the administration of this code, setting forth such information as may be of interest and value in advancing and furthering the purpose of this code. Such report shall include recommendations concerning the schedule of fees; and

(21) Undertake any additional work as specified by this code or as requested by the Safety Service Director, the review boards, or City Council.

(c) Decisions of the ZEO

A decision of the ZEO may be appealed to the BZA in accordance with Section 1103.07 unless another appeals board is established by this code.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1103: Review Procedures

1103.01 PURPOSE

This chapter establishes the various administrative and board level review procedures used for the administration, interpretation, and enforcement of this code along with the review criteria used for decision-making purposes on individual applications.

1103.02 COMMON REVIEW REQUIREMENTS

The requirements of this section shall apply to all applications and procedures subject to development review procedures established in this code, unless otherwise stated.

(a) Summary of Review Procedures

Table 1103-1 provides a list of all review procedures utilized in the administration and enforcement of this code, the applicable review authority, the type of review hearing or meeting, and the decision-making responsibility of each review authority.

TABLE 1103-1: SUMMARY OF REVIEW PROCEDURES

Review Procedure	See Section:	City Council	MPC	BZA	HRC	Staff
Code and Text Amendment	1103.03	PH/D	PH/R			
Alternative Equivalency Review	1103.04		PH/D		PH/D	
Certificate of Appropriateness (COA)	1103.05				PM/D	
Conditional Use	1103.07		AH/D			
Variance	1103.07			AH/D		
Appeals	1103.07			AH/D		
Zoning Permit	1103.08					D
Administrative Waiver	1103.08(f)					D
Minor Subdivision	1103.09					D
Major Subdivision: Preliminary Plat	1103.10		PM/D			
Major Subdivision: Subdivision Modification	1103.10		PM/D			
Major Subdivision: Final Plat and Improvement Plans	1103.10		PM/D			
Major Subdivision: Acceptance of Improvements	1103.10	PM/D				
Interpretation of the Code	1103.11					D
Planned Development: Development Plan and Zoning Map Amendment	1107.03	PH/D	PH/R			
Abbreviations						
PH = Public Hearing	**AH** = Adjudication Hearing			**PM** = Public Meeting		
R = Recommendation	**D** = Decisions					

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(b) Authority to File Applications

(1) Unless otherwise specified in this code, applications for development review procedures defined in this code may be initiated by:

A. An owner of the property that is the subject of the application; or

B. An agent who is authorized to file on behalf of an owner as demonstrated by a notarized letter or similar document., An agent may include a lessee of the property, manager, attorney, or other representative.

(2) The MPC or City Council may initiate code text and map amendments under this code, with or without written authorization or application from the property owners who may be affected.

(c) Application Submission Schedule

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the ZEO, and made available to the public.

(d) Application Contents

(1) Applications required under this code shall be submitted to the ZEO.

(2) All applications shall be in a form and in such numbers as established by the ZEO, and made available to the public as part of application forms.

(3) Applications shall be accompanied by a fee, if required, in accordance with the fee ordinance adopted by City Council pursuant to Section 1103.02(g).

(4) Complete Application Determination

A. The ZEO shall only initiate the review and processing of applications submitted under this code if such application is determined to be complete.

B. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application. The ZEO may waive the submission of requirements if such requirements are not needed due to the type or scale of development, or are unnecessary for determining compliance with this code. Such waiver shall be provided to the applicant in writing as part of the record.

C. The ZEO shall make a determination of application completeness within five business days of the application filing.

D. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.

E. If an application is determined to be incomplete, the ZEO shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the ZEO determines that the application is complete.

F. The City shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.

G. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the ZEO, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The ZEO may grant one 60-day extension if just cause is shown, upon written request by the applicant.

H. No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this chapter, submit a new application, and submit a new filing fee.

I. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(e) Simultaneous Processing of Applications

(1) Whenever two or more forms of review and approval are required by review boards under this code, the ZEO shall determine the order and timing of review.

(2) The ZEO may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

(f) Pre-application Conferences or Meetings

(1) Prior to filing an application, an applicant may request a meeting with the ZEO for a pre-application conference to discuss the proposed application or project.

(2) An applicant may request a pre-application meeting with a review board for any review procedure in this chapter. The applicant may request such meeting by submitting a written request to the ZEO for placement on the agenda of the next regularly scheduled meeting or any special meeting that may be called by the applicable review board.

(3) The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and any applicable plans prior to the submission of an application.

(4) No action can be taken by the administrative staff and/or any review boards until the applicant submits an actual application and/or plan to the City pursuant to the laws and policies of the City. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or City review boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with City staff, review boards, any pre-application conferences or meetings, are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

(g) Fees

(1) Any application for a review procedure under this code shall be accompanied by such fee as shall be specified from time to time by ordinance of City Council. There shall be no fee, however, in the case of applications filed by the Mayor, City Council, or any of the review boards.

(2) The fees shall be in addition to any other fees that may be imposed by the City, Knox County, State, or other agency having jurisdiction.

(3) Such fees are adopted to cover the cost to the City for investigations, legal advertising, postage, and other expenses resulting from the administration of planning, subdivision, and zoning activities.

(4) Unless otherwise identified in the fee schedule adopted by City Council, no application shall be processed or determined to be complete until the established fee has been paid.

(5) If the City determines that the costs on a particular application will exceed the filing fee as established by City Council as a result of preparation of legal descriptions, maps, studies, or other required information, or as a result of the need for professional expert review, study, or testimony, the ZEO is authorized to collect such additional costs from the applicant.

(6) Application fees are not refundable except where otherwise stated in this code or where the ZEO determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

(h) General Provisions for Attendance and Decisions

(1) Whenever a provision of this code allows for or requires attendance at a meeting or hearing by the applicant, the applicant may attend in person or may have an authorized representative attend in their place.

(2) Whenever a provision in this code requires a decision to be provided in writing, or communication in writing, then such provision shall be interpreted to allow for such communication by e-mail unless otherwise stated, required by law, or requested by the applicant.

(i) Public Notification for Public Meetings

For all public meetings required by this code, the City shall comply with this code and all applicable State notice requirements.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(j) Public Notification for Public Hearings

(1) Applications for development approval that require public hearings, including all adjudication hearings, shall comply with all applicable State requirements and the public meeting notice requirements established in Section 1103.02(i), above.

(2) The ZEO shall be responsible for providing the required notice as specified in Table 1103-2.

(3) Content

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

A. Provide the name of the applicant or the applicant's agent;

B. Indicate the date, time, and place of the public hearing;

C. Describe the land involved by street address, as applicable, Knox County parcel identification number (as applicable), or by legal description; and

D. Describe the nature, scope, and purpose of the application or proposal.

(4) Notice Requirements

Published and mailed notice for public hearings shall be provided as defined in Table 1103-2.

TABLE 1103-2: NOTICE REQUIREMENTS

Review Procedure	Published Notice	Written (Mailed) Notice
Code Text Amendment	Published notice required a minimum of 10 days before the scheduled public hearing of MPC and 30 days before the scheduled public hearing of City Council	No written notice is required for a text amendment.
Zoning Map Amendment and Planned Developments		Written notice shall be sent to all applicant and all owners of property within, contiguous, and across the street from the boundary of all properties subject to the application. The notice shall be required a minimum of 10 days before the scheduled public hearing of MPC and 20 days before the scheduled public hearing of City Council Written notice shall not be required where the application involves more than 10 individual lots.
Conditional Uses, Variances, Appeals, and Alternative Equivalency Reviews	Published notice required a minimum of 10 days before the scheduled public hearing of BZA, MPC, or HRC, as applicable.	Written notice to the applicant and "all parties of interest" that includes, but is not limited to, the applicant (or person making an appeal), and all adjacent property owners. The notice shall be required a minimum of 10 days prior to the scheduled public hearing of BZA, MPC, or HRC as applicable.

(5) Published Notice

A. Published notice shall be provided in accordance with City ordinances and State law. The City may also provide additional published notice by posting of the notice in City buildings or by electronic media.

B. The content and form of the published notice shall be consistent with the requirements of this section and State law.

(6) Written Notice

A. Written notice shall be provided by first class mail, unless otherwise stated.

B. Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the applicable review board.

C. Written notice shall be postmarked no later than the amount of days specified in Table 1103-2 prior to the hearing date at which the item will be considered.

D. Where written notice is required, it shall be mailed to the address of such owners appearing on the County Auditor's current list or the County Treasurer's mailing list.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(7) Constructive Notice

A. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.

B. When the records of the City document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

(k) Conduct of Public Hearing

(1) Rights of All Persons at Public Hearings

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state their address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

(2) Continuance of a Public Hearing or Deferral of Application Review

A. An applicant may request that a review board's consideration of an application at a public hearing be deferred by submitting a written or verbal request for deferral to the ZEO prior to the publication of notice, as may be required by this code. The ZEO may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.

B. A request for deferral of consideration of an application received by the ZEO after publication of notice of a public hearing, as required by this code, shall be considered as a request for a continuance of the public hearing, and may only be granted by the applicable review board.

C. The review board conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place, provided the date, time, and place is publicly announced at the time of continuance. No additional written or published notice shall be required.

(l) Withdrawal of Application

(1) Any request for withdrawal of an application shall be either submitted in writing to the ZEO or made through a written request by the applicant prior to action by the City Council or applicable review board.

(2) After request for withdrawal has been received, the ZEO will then withdrawal the application from any agenda and no further action will be taken. Any future request for action will require a new application and fee in accordance with this code.

(m) Examination and Copying of Application and Other Documents

Documents and/or records related to applications may be inspected and/or copied as provided for by State law.

(n) Effect of any Approvals

(1) The issuance of any approval or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.

(2) All approvals shall run with the land or use and shall not be affected by change in ownership provided there is no change in use and all conditions of approval continue to be met.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(o) Modifications or Amendments of Approved Applications

(1) For any review procedure, the ZEO is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development or subdivision, does not increase density, or is necessary to address minor technical issues. This shall not give the ZEO the authority to vary the requirements of this code or any conditions of approval.

(2) Where the ZEO determines that the proposed modification, amendment, or change is not minor, as stated above, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

(3) Modifications to approved PD Development Plans shall be allowed in accordance with Section 1107.03(d).

(p) Reapplication after Denial of an Application

If an application is denied, the applicant may:

(1) Appeal the decision in accordance with the applicable appeals procedure established for the procedure in this code, or as granted by State Law; or

(2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The ZEO shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in 1103.02(d)(4). If it does not, the ZEO shall return the application, with reasons for their determination in writing, along with any submitted fees;

(3) Submit the same application after a 12-month waiting period; or

(4) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

(q) Subsequent Development

(1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City's Codified Ordinances.

(2) The granting of any approval or permit shall not guarantee the approval of any other required permit or application.

(3) The City shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Knox County, the State, or other agencies having jurisdiction.

(r) Records

The City shall maintain permanent and current records of all applications and the decisions related to those applications in City Hall or in a digital format, available to the public, as allowed by State law.

(s) Computation of Time

(1) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday observed by the City of Mount Vernon where the City administrative offices are closed for the entire day, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

(2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).

(3) When the City offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the City of Mount Vernon in which the City administrative offices are closed for the entire day.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(4) If a timeframe does not specify business or calendar days, such timeframe shall be interpreted to be calendar days.

1103.03 CODE TEXT AND MAP AMENDMENTS

(a) Purpose

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and/or text of this code.

(b) Applicability

This section shall apply to requests to amend the text of this code or amend the Zoning District Map of the City of Mount Vernon, Ohio.

(c) Initiation

(1) For a zoning map amendment of a specific property, any person who has authority to file an application (See Section 1103.02(b).) for such property may initiate an amendment by filing an application with the ZEO. Where the application involves multiple properties, at least one person having authority to file an application for each property shall be required to sign the application.

(2) Only City Council or the MPC may initiate code text amendments, however, any member of the public may request that the MPC or City Council consider a text amendment during their respective public meetings.

(3) City Council may initiate a code text or map amendment by adopting a resolution that refers the amendment to the MPC.

(4) The MPC may initiate a code text or map amendment by adopting a motion to make such amendment.

(d) Code Text or Map Amendment Review Procedure

The review procedure for a code text or map amendment shall be as follows:

(1) Step 1 – Pre-Application Meeting (Optional)

An applicant may request to have a pre-application meeting with the ZEO and/or MPC to informally discuss the application and any concept plans. Such meeting shall be subject to Section 1103.02(f).

(2) Step 2 – Application

A. For amendments that are not initiated by the MPC or City Council, the applicant shall submit an application in accordance with Section 1103.02 and with the provisions of this section.

B. Amendments initiated by City Council shall be referred to the MPC for initiation of review.

C. Once the application is determined to be complete, the ZEO shall fix a date for a public hearing before the MPC (Step 4).

(3) Step 3 – Administrative Staff Review

A. Upon determination that a text or zoning map amendment application is complete, the ZEO shall forward the application to the MPC and may distribute the application to other departments or agencies for review and comment.

B. The ZEO may consolidate any comments from the public received in advance of the hearing and comments from the any City departments or other agencies into a report for the MPC to review as part of Step 4.

(4) Step 4 – MPC Review and Recommendation

A. The MPC shall review the amendment application at a public hearing at the next regularly scheduled MPC meeting or at a special meeting.

B. Notification of the public hearing shall be provided in accordance with Section 1103.02(j).

C. In addition to the general notification above, the ZEO shall give notice by registered or certified mail to the State Director of Transportation of the initiation of any proposed amendment that:

i. Affects any land within 300 feet of a proposed new highway; or

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

ii. Affects any land within 300 feet of any proposed changes to a highway as described in certification to local officials by the State Director of Transportation; or

iii. Affects any land within 500 feet from a proposed intersection of such a new highway and any existing public road or highway.

iv. If the Director of Transportation's response is negative, the MPC will stay their proceedings until the reason for the negative response is resolved.

D. In reviewing the application, MPC shall, at a minimum, consider the review criteria of this section.

E. The MPC shall make a recommendation to City Council regarding the application. In making its recommendation, the MPC may recommend approval, approval with some modification, or denial of the application.

F. If the MPC fails to make a recommendation within 30 days following the close of the public hearing, or an extended timeframe approved by the applicant, the application will move forward to Step 5 without a specific recommendation.

(5) **Step 5 – City Council Review and Decision**

A. Following receipt of the recommendation from the MPC (Step 4), the application shall be placed on City Council's agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or City Council shall set a time for a public hearing on the proposed amendment that is no more than 60 days from receipt of the MPC's recommendation, or an extended timeframe approved by the applicant.

B. Notification of the public hearing shall be provided in accordance with Section 1103.02(j).

C. City Council shall review a text or zoning map amendment application during the public hearing. In reviewing the application, City Council shall, at a minimum, consider the recommendation from MPC, if made, and the review criteria of this section.

D. Within 90 days of the close of the public hearing, City Council shall adopt, adopt with some modification, or deny the recommendation of the MPC.

i. If City Council moves to adopt the recommendation of MPC, such action shall only require concurring vote of four members of City Council.

ii. If City Council moves to adopt the recommendation of MPC with some modification, or deny the recommendation, such action shall require a favorable vote of six members of City Council.

E. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if six members of City Council vote to dispense with this rule.

(e) **Review Criteria**

The review of code text or map amendment applications by MPC and City Council shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

(1) The proposed amendment is compatible with the use of adjacent land, adjacent zoning, and with land use plans for the general area;

(2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

(3) The proposed amendment will promote the public health, safety, convenience, comfort, prosperity and general welfare;

(4) The proposed amendment, if amending the zoning map, is consistent with the stated purposes of the proposed zoning district;

(5) The proposed amendment, if amending the zoning map, follows lot lines or the centerlines of streets, railroads, or other rights-of-way, to the maximum extent feasible.

(6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(7) The proposed amendment will not constitute a significant impact on public facilities, general expansion plans of the City, and the City's schedule for improvement of capital facilities;

(8) The proposed amendment will not constitute spot zoning where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances; and/or

(9) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract including, but not limited to, traffic flow and pedestrian safety.

(f) **Effective Date And Referendum**

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

(2) No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment has been approved by the voters, it shall take effect immediately.

1103.04 ALTERNATIVE EQUIVALENCY REVIEW

(a) **Purpose**

The alternative equivalency review is a procedure that allows applicants to propose a unique design option as an alternative to a development standard established in this code, provided it meets or exceeds the intent of the design-related provisions of this code. It is not a variance, waiver, or weakening of regulations. Rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this code. An alternative equivalency review approval shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

(b) **Applicability**

The alternative equivalency review procedure shall be available only for the following sections of this code:

(1) Section 1109.02: Outdoor Lighting;

(2) Section 1109.03: Fences, Walls, and Hedges;

(3) Chapter 1110: CB District Architectural Standards;

(4) Chapter 1111: Landscaping and Screening;

(5) Chapter 1112: Parking, Access, and Connectivity; and

(6) Any design standards or guidelines that apply to a historic district.

(c) **Review Timing and Review Board**

(1) An alternative equivalency review that is related to a COA application shall be reviewed by the HRC and made concurrently with a COA application with notice for the public hearing as set forth in this section.

(2) An alternative equivalency review that is not related to a COA application shall be reviewed by the MPC in accordance with the procedure below.

(d) **Alternative Equivalency Review Procedure**

The review procedure for any alternative equivalency review application shall be as follows:

(1) **Step 1 – Application**

The applicant shall submit an application in accordance with Section 1103.02 and with the provisions of this section.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(2) Step 2 – Administrative Staff Review and Transmission to the MPC or HRC

A. Upon determination that an alternative equivalency review application is complete, the ZEO shall forward the application to the MPC or HRC, as applicable, and may distribute the application to other departments or agencies for review and comment.

B. The ZEO may consolidate any comments from the public received in advance of the meeting and comments from any City departments or other agencies into a report for the MPC or HRC, as applicable to review as part of Step 4.

(3) Step 3 – MPC or HRC Review and Decision

A. Within 30 days after the application is determined to be complete, or an extended timeframe approved by the applicant, the MPC or HRC, as applicable, shall review the application at a public hearing.

B. Notification of the public hearing shall be provided in accordance with Section 1103.02(j).

C. In reviewing the application, the MPC or HRC, as applicable shall, at a minimum, consider the reports and opinions transmitted by the ZEO and the review criteria of this section.

D. The MPC or HRC, as applicable, shall make a decision on the application. In making its decision, the MPC or HRC, as applicable, may approve, approve with modifications or supplementary conditions, or deny the application.

E. If the MPC or HRC, as applicable, fails to act within 30 days after close of the public hearing, or an extended period as may be agreed upon by the applicable board, and applicant, then the application shall be considered denied.

F. If approved, any zoning permit, COA, or other related applications shall demonstrate compliance with the alternative equivalency review approval.

(e) Review Criteria

Decisions on an alternative equivalency review application shall be based on consideration of the following criteria:

(1) That the proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;

(2) That the proposed alternative achieves the goals and policies of any adopted plans to the same or better degree than the subject standard;

(3) That the proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and

(4) That the proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this code.

(f) Conditions

The MPC or HRC, as applicable, may impose conditions on an approval for an alternative equivalency review, provided such conditions are related to ensuring the performance of the alternative equivalency review to meet or exceed the subject standard. Such conditions may include required timeframes, amendments or revisions to the proposal, or the ability to revoke an approval for an alternative equivalency review.

(g) Decisions

Any decision on an alternative equivalency review application shall not be binding on the City related to future applications requesting an alternative to any of the applicable standards. Each case shall be reviewed and decided upon based on the individual circumstances.

(h) Time Limit

(1) An approval of an alternative equivalency review application shall expire if the zoning permit or COA approval, as applicable, expires.

(2) Upon expiration of an alternative equivalency review approval, a new application, including all applicable fees, shall be required before a new application will be reviewed.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(i) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the MPC or HRC, as applicable, shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

1103.05 CERTIFICATE OF APPROPRIATENESS (COA)

(a) Purpose

The purpose of the COA is to provide a procedure by which to review construction, renovation, expansion, and demolition projects within a locally designated historic district or for locally designated historic properties. In an effort to preserve the character of these properties and districts, the City has established reasonable development standards and design guidelines for buildings and structures, and this procedure allows for a comprehensive review of the activities against the adopted standards and guidelines.

(b) Applicability

(1) No person shall make any exterior construction, reconstruction, alteration, or demolition of a structure on any property within a Historic Overlay District unless a COA has been approved by the HRC or ZEO, as applicable, and a zoning permit and building permit, if required, has also been issued.

(2) All applications for a COA that include any of the following work shall be subject to review by the HRC in accordance with Section 1103.05(d):

A. Construction, expansion, or demolition (partial or complete) of all new or existing buildings;

B. Any application that includes a related alternative equivalency review application (See Section 1103.04.); or

C. Any substantial change in building materials, building elements (e.g., doors, windows, architectural ornamentation, etc.) as may be determined by the ZEO.

(3) All other applications for a COA shall be reviewed by the ZEO in accordance with Section 1103.05(c).

(4) The ZEO shall have the authority to forward a COA application to the HRC for review pursuant to Section 1103.05(d) if the ZEO finds:

A. That the proposed use or development could potentially create significant impacts on adjacent property based on the intensity or proximity of the proposed use, construction, alteration, or other modification; or

B. There is difficulty in interpretating the application of a standard or guideline as it pertains to the subject application.

(5) Projects and activities that are exempt from the COA review procedure include:

A. The reconstruction, alteration or demolition of a structure or feature which has been ordered by the Building Official upon certification of an unsafe condition constituting an emergency;

B. Painting or general maintenance of a structure that does not alter exterior architectural features;

C. Site improvements, such as the establishment of a parking lot, landscaping, or other site work, or any changes to components of a property not specifically identified by the code;

D. Changes in occupancy not involving structural or exterior work; and

E. Any interior renovations which will not alter and/or affect the exterior elevations or facade of the building or structure or any architectural features that are visible from the outside.

(c) COA Review Procedure by the ZEO

(1) Step 1 – Application

The applicant shall submit an application in accordance with Section 1103.02 and with the provisions of this section. If the work requires a zoning permit to complete, the COA application shall be filed jointly with the zoning permit application.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(2) Step 2 – ZEO Review and Decision on a COA

A. The ZEO may distribute the application to other staff members and other City departments to solicit comment on the COA application.

B. Within 30 days after the application is determined to be complete, or an extended timeframe approved by the applicant, the ZEO shall make a decision on the COA application. In making its decision, the ZEO may approve or deny the application. The ZEO shall also have the authority to forward the application to the HRC for review pursuant to Section 1103.05(d).

C. Prior to making a decision, the ZEO shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance.

D. If the ZEO fails to act within 30 days from the date the application is determined to be complete, or an extended period as may be agreed upon by the ZEO and applicant, then the application shall be considered denied.

E. Where revisions are necessary for approval, the application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the ZEO.

F. When the ZEO denies an application, the ZEO shall inform the applicant of the reason for the denial, including the regulation(s) or guidelines which would be violated by the proposed use or development.

(d) COA Review Procedure by the HRC

The review procedure for a COA shall be as follows:

(1) Step 1 – Pre-Application Meeting (Optional)

An applicant may request to have a pre-application meeting with the ZEO or the HRC to informally discuss the application and any concept plans. Such meeting shall be subject to Section 1103.02(f). If the work requires a zoning permit to complete, the COA application shall be filed jointly with the zoning permit application.

(2) Step 2 - Application

A. The applicant shall submit an application in accordance with Section 1103.02 and with the provisions of this section.

B. In making application, the ZEO or the HRC may request that the applicant provide exhibits, sketches, examples of materials, renderings, or other documentation to assist in their decision.

(3) Step 3 - Administrative Staff Review

A. Upon determination that a COA application is complete, the ZEO shall forward the application to the HRC and may distribute the application to other departments or agencies for review and comment.

B. The ZEO may consolidate any comments from the public received in advance of the meeting and comments from any City departments or other agencies into a report for the HRC to review as part of Step 4.

(4) Step 4 – Historical Review Commission Review and Decision

A. The HRC shall review the COA application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

B. The HRC shall, at a minimum, consider the review criteria of this section.

C. Notification of the public meeting shall be provided in accordance with Section 1103.02(i).

D. Within 30 days after the COA application is determined to be complete, or an extended timeframe approved by the applicant, the HRC shall hold a public meeting to review the application and make a decision on the application. In making its decision, the HRC may approve, approve with modifications, or deny the application. The HRC shall make every effort to work with the applicant within this time period to develop a proposal that the HRC can approve or approve with modifications.

E. The time period shall be extended to 60 days from a public hearing, if the HRC is required to hold a hearing to undertake an alternative equivalency review (See Section 1103.04.).

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

F. If a COA is denied, the City shall not issue any permits that would allow modifications for which the COA was denied. In cases where the HRC has denied a COA, the HRC shall state the reasons for such disapproval in writing and transmit the written statement to the applicant together with any recommendation the HRC may have made for appropriate changes.

G. If the HRC fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

(e) Determining the Significance of a Structure

(1) When making decisions or recommendations about changes to structures in the applicable Historic Overlay Districts, the HRC shall have the authority to make a determination of the historical or architectural significance of the structure based on this section.

(2) For structures that the HRC finds are not historically or architecturally significant, the HRC may relax or waive the standards or guidelines that apply to the project.

(3) If the HRC finds that the structure is historically or architecturally significant, the standards and guidelines of this code shall be fully applied as determined by the HRC.

(4) The HRC shall determine whether a structure or site is significant based on the structure's:

A. Value as a reminder of the cultural, historical, or archaeological heritage of the City, State, or nation;

B. Location as a site of a significant local, State, or national event;

C. Identification with a person or persons who significantly contributed to the development of the City, State, or nation;

D. Identification as the work of a master builder, designer, or architect whose individual work has influenced the City, State, or nation;

E. Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;

F. Example of an architectural style or period; and/or

G. Character as a contributing element in a locally or nationally designated historic district.

(f) Review Criteria

Decisions on a COA application shall be based on consideration of the following criteria:

(1) The proposed development is in compliance with all the requirements of this code and other related codes and ordinances enforced by the City;

(2) The proposed development incorporates any applicable standards or guidelines (See Section 1106.02(c).), to the maximum extent feasible;

(3) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., conditional use approvals, variance approvals, etc.); and

(4) There is no feasible and prudent alternative alteration or change which would conform to the guidelines, and adhering to the guidelines would deny the owner a reasonable rate of return on the real property or amount to a taking of property without just compensation.

(g) Time Limit

(1) The applicant shall be required to begin construction or the work authorized by the COA within one year of the date that the COA was approved or the approval shall expire. The date of approval shall be the date the ZEO issues the COA.

(2) Upon expiration of a COA, a new application, including all applicable fees, shall be required before a new application will be reviewed.

(3) Upon written request, one extension of six months may be granted by the ZEO if the applicant can show good cause for a delay.

(4) The HRC may authorize alternative time limits for zoning permit issuance based on the scale of the proposed development.

(h) Appeals

(1) Any person or entity claiming to be injured or aggrieved by any final action of the ZEO shall have the right to appeal the decision to the HRC where the HRC will review the application as established in Section 1103.05(d).

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(2) If the applicant and HRC do not come to any conclusion on an alternative plan, then any person or entity claiming to be injured or aggrieved by any final action of the HRC shall have the right to appeal the decision to the BZA as established in Section 1103.07.

1103.06 CONDITIONAL USE

(a) Purpose

The purpose of a conditional use procedure is to allow consideration for certain uses that, due to their unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on a case-by-case basis.

(b) Conditional Use Review Procedure

The review procedure for a conditional use shall be as follows:

(1) Step 1 – Application

The applicant shall submit an application in accordance with Section 1103.02 and with the provisions of this section.

(2) Step 2 – Administrative Staff Review

A. Upon determination that a conditional use application is complete, the ZEO shall forward the application to the MPC and may distribute the application to other departments or agencies for review and comment.

B. The ZEO may consolidate any comments from the public received in advance of the hearing and comments from any City departments or other agencies into a report for the MPC to review as part of Step 3.

(3) Step 3 – MPC Review and Decision

A. The MPC shall hold a public hearing within 30 days of the determination that the conditional use application is complete, provided adequate notification is provided pursuant to Section 1103.02(j).

B. In reviewing the application, the MPC shall, at a minimum, consider the review criteria of this section.

C. The MPC may request that the applicant supply additional information that the MPC deems necessary to review and evaluate the application.

D. Within 30 days of the close of the public hearing, or an extended timeframe approved by the applicant, the MPC shall render a decision. In making its decision, the MPC may approve, approve with modifications or supplementary conditions, or deny the application.

E. The ZEO shall notify the applicant of the decision of the MPC.

F. If the MPC fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

G. The decision of the MPC shall become effective immediately.

H. In approving a conditional use, the MPC may impose conditions on the approval to ensure compliance with the standards of this section and the purpose of this code. Any conditions established by the MPC shall relate directly to the requested conditional use.

I. Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of Chapter 1116: Enforcement and Penalties.

(c) Review Criteria

Decisions on a conditional use application shall be based on consideration of the following review criteria. All conditional use applications shall be subject to review under the criteria of this section, as applicable, and may also be subject to additional use-specific standards, as established in this code.

(1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;

(2) The proposed use is consistent with the spirit, purposes and intent of adopted plans, the general purposes of this code, and the purposes of the zoning district in which the conditional use will be located;

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(3) The proposed use complies with any use-specific standards as may be established for the use as may be established in this code;

(4) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, comfort, prosperity or general welfare;

(5) The proposed use will comply with all applicable development standards unless an alternative equivalency review or variance is approved in accordance with this code;

(6) The proposed use will be harmonious with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area;

(7) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;

(8) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

(9) Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use will be or are being provided;

(10) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets, and adequate consideration has been given to the proximity of access drives to street intersections relative to the anticipated volume of traffic;

(11) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;

(12) The use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;

(13) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible; and

(14) Wherever there are no use-specific standards for the proposed use related to street frontage, height, setbacks, or other lot and site regulations, then such use shall be subject to the lot and site regulations for the applicable zoning district.

(d) **Time Limit**

(1) A conditional use approval shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six months.

(2) The applicant shall submit a completed application for a zoning permit and start work within one year of the date a conditional use was approved or the approval shall expire.

(3) Upon expiration of a conditional use, a new application, including all applicable fees, shall be required before a conditional use application will be reviewed.

(4) Upon written request, one extension of six months may be granted by the ZEO if the applicant can show good cause for a delay.

(5) As part of the conditional use approval, the MPC may authorize alternative time limits for zoning permit issuance based on the scale of the proposed development.

(e) **Revocation of a Conditional Use Approval**

The breach of any condition, safeguard, or requirement shall automatically invalidate the conditional use approval, and shall constitute a violation of this code. Such violation shall be punishable as specified in 0

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Enforcement and Penalties.

(f) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the MPC shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

1103.07 VARIANCES AND APPEALS

(a) Purpose

The purpose of this section is to define the procedures that are reviewed by the BZA and provide appropriate review criteria for each procedure. The specific purpose statements for each procedure are as follows:

(1) Purpose of the Variance Procedure

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

(2) Purpose of the Appeals Procedure

The appeals process is the procedure to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

(b) Appeals Applicability, Initiation, and Forwarding of the Record

(1) An appeal may be made regarding any administrative decision made in the administration and enforcement of this code including, but not limited to, administrative decisions by the ZEO.

(2) Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.

(3) An appeal may not be made to the BZA when the MPC is making a recommendation to City Council as part of a legislative action such as a code text or map amendment.

(4) Within 20 days of an administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information to the ZEO in accordance with Section 1103.02.

(5) Upon receiving the written appeal of an administrative order, decision, determination or interpretation, the ZEO shall transmit the written appeal with all papers, documents, and other materials related to the appealed order, decision, determination or interpretation to the BZA. This material shall constitute the record of the appeal.

(c) Review Procedure

The review procedure for all variances and appeals shall be as follows:

(1) Step 1 – Application

A. Any application or submission for an appeal shall be undertaken in accordance with Section 1103.07(b), above.

B. For variance applications, the applicant shall submit an application in accordance with Section 1103.02 and with the provisions of this section.

(2) Step 2 – Administrative Staff Review

A. For appeals, there shall be no internal staff review required outside of forwarding the record to the BZA in accordance with Section 1103.07(b), above.

B. Upon determination that a variance application is complete, the ZEO shall forward the application to the BZA and may distribute the application to other departments or agencies for review and comment.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

C. The ZEO may consolidate any comments from the public received in advance of the hearing and comments from any City departments or other agencies into a report for the BZA to review as part of Step 3.

(3) **Step 3 – BZA Review and Decision**

A. The BZA shall hold a public hearing within 30 days of the filing of an appeal or the date the ZEO determines the variance application is complete, provided adequate notification is provided pursuant to Section 1103.02(j).

B. In reviewing the application, the BZA shall, at a minimum, consider the review criteria of this section.

C. The BZA may request that the applicant supply additional information that the BZA deems necessary to review and evaluate the appeal or applications.

D. Within 30 days of the close of the public hearing, or an extended timeframe approved by the applicant, the BZA shall render a decision. In making its decision, the BZA may approve, approve with modifications or supplementary conditions, or deny the application.

E. In making its decision, the BZA shall make specific findings of fact, based directly on the particular evidence presented. The findings of fact shall state that the reasons set forth in the application and as presented by the applicant during the public hearing justify either:

i. Approval of the application;

ii. Approval with modifications or supplementary conditions; or

iii. Denial of the variance application.

iv. In approving any variance, the BZA must find that such approval will make possible a reasonable use of the land, building, or structure.

F. The ZEO shall notify the applicant, in writing, of the decision of the BZA.

G. If the BZA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

H. The decision of the BZA shall become effective immediately.

I. In approving a variance, the BZA may impose conditions on the approval to ensure compliance with the standards of this section and the purpose of this code. Any conditions established by the BZA shall relate directly to the requested variance.

J. Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of Chapter 1116: Enforcement and Penalties.

(d) **Variance Review Criteria**

(1) Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts. The application for a variance shall not be based exclusively upon a desire to increase the value or income potential of the parcel of land or any structures or uses thereupon. The BZA shall take into consideration:

A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to nonconforming and inharmonious uses, structures or conditions;

B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

C. Whether the variance is the minimum necessary to make possible the reasonable use of the land or structures;

D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

E. Whether the variance would adversely affect the delivery of governmental services such as water or sewer;

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

F. Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);

G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;

I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and

J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

(2) Use variances are not permitted. The use of a property outside of what is allowed within the applicable zoning district may be considered as part of the review of an adaptive reuse of an existing building in accordance with Section 1105.03.

(e) Appeals Review Criteria

An administrative order, decision, determination or interpretation shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this code.

(f) Stay

A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the ZEO certifies to the BZA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA or by a court of competent jurisdiction, for good cause shown.

(g) Time Limit

(1) The applicant shall submit a completed application for a zoning permit and start work within one year of the date a variance was approved or the approval shall expire.

(2) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a variance application will be reviewed.

(3) Upon written request, one extension of six months may be granted by the ZEO if the applicant can show good cause for a delay.

(4) As part of the variance approval, the BZA may authorize alternative time limits for zoning permit issuance based on the scale of the proposed development.

(h) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

1103.08 ZONING PERMIT

(a) Purpose

A zoning permit shall be required in accordance with the provisions of this section in order to ensure that proposed development and uses comply with the standards of this code, and to otherwise protect the public health, safety, convenience, comfort, prosperity and general welfare of the citizens of the City of Mount Vernon.

(b) Terminology

For the purposes of this code, the zoning permit review shall be an administrative review that may be applied to permits or certificates of other names (e.g., sign permits, temporary use permits, fence permits, etc.) if so stated in this code or on the application for the permit or certificate. In such cases, the procedure of Section 1103.08(d), below, shall still apply, including the applicability of administrative waiver requests.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(c) Applicability

(1) No building or other structure shall be erected, moved, structurally altered, or added to, in whole or in part, nor shall any building, structure, or land be used or changed in use without a zoning permit issued by the ZEO. A change in tenancy or ownership of a residential dwelling unit shall be exempt from the zoning permit requirement unless such change in tenancy changes the classification of the use.

(2) A zoning permit may be required for the establishment of certain temporary or accessory use as established in Chapter 1108: Accessory and Temporary Uses.

(3) A zoning permit shall be required for any changes to any site element, vehicular use area, landscaping, patio, or other improvements to land as may be established under the applicable sections of individual sections or chapters in this code.

(4) The establishment of a use of vacant land or building shall require the issuance of a zoning permit.

(5) A change in use or business establishment shall require a zoning permit.

(6) Changes in a building or structure's appearance that is regulated by this code shall require a zoning permit unless the change is a replacement of the same-for-same materials and colors, etc.

(7) Unless otherwise specifically exempted in Chapter 1113: Signs, signs shall require a zoning permit.

(8) Zoning permits shall be issued only in conformity with the provisions of this code unless the application is subject to an approval by the BZA, HRC, or MPC providing for additional standards, conditions, or modifications, in which case, the zoning permit shall be issued in conformity with the provisions of those approvals, as applicable.

(9) Failure to obtain a zoning permit shall be a violation of this code subject to the provisions of Chapter 1116: Enforcement and Penalties.

(d) Zoning Permit Approval Review Procedure

The review procedure for a zoning permit shall be as follows:

(1) Step 1 – Application

The applicant shall submit an application in accordance with Section 1103.02 and with the provisions of this section.

(2) Step 2 – ZEO Review and Decision on a Zoning Permit

A. The ZEO may distribute the application to other staff members and other City departments to solicit comment on the zoning permit application.

B. Within 30 days after the application is determined to be complete, or an extended timeframe approved by the applicant, the ZEO shall make a decision on the zoning permit application. In making its decision, the ZEO may approve or deny the application. The ZEO may also approve with modifications or supplementary conditions necessary to ensure the proposed activity will be in full compliance with this code.

C. Prior to making a decision, the ZEO shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance.

D. If the ZEO fails to act within 30 days from the date the application is determined to be complete, or an extended period as may be agreed upon by the ZEO and applicant, then the application shall be considered denied.

E. Where revisions are necessary for approval, the application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the ZEO.

F. When the ZEO denies an application, the ZEO shall inform the applicant of the reason for the denial, including the regulation(s) which would be violated by the proposed use or development.

G. Public Improvements Required

If the installation of public improvements is required, the following requirements shall apply regardless if the development is part of a subdivision application or not:

i. A zoning permit shall not be issued until an agreement is provided to the City to construct the required improvements.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

ii. The applicant shall be required to provide a financial guarantee (See Section 1114.06.) in the amount of the estimated cost of the required public improvements as determined by the City Engineer.

iii. The agreement and the financial guarantee shall provide for completion of all work within a time specified to be determined by the City Engineer or before occupancy is allowed in any structure, whichever shall occur first.

iv. The approval of the installation of public improvements as required by this code shall not obligate the City to accept improvements for maintenance, repair or operation. Acceptance shall be subject to local or state regulations where applicable, concerning the acceptance of each type of improvement.

v. Upon issuance of a zoning permit, the applicant may proceed with the approved work.

(e) Review Criteria for a Zoning Permit

In order to approve any zoning permit, the ZEO shall determine the following:

(1) The application complies with all applicable provisions of this code and the applicable zoning district; and

(2) The application complies with all approved plans, conditions, or other development approvals issued pursuant to the rules of this code (e.g., variances, administrative waivers, conditional use approvals, alternative equivalency reviews, COAs, etc.).

(f) Administrative Waiver Requests

(1) Applicability

A. The ZEO may grant administrative waivers for any area or dimensional regulation that does not exceed 20 percent of the applicable minimum or maximum regulation. Area and dimensional regulations include, but are not limited to, minimum front, side, and rear yard setbacks; maximum height of structures; maximum sign height; maximum sign area, etc.

B. An administrative waiver for a minimum lot area or lot width requirement is prohibited and shall be subject to a variance review by the BZA in accordance with Section 1103.07.

C. The applicant shall be required to apply for a variance for any waiver request that exceeds 20 percent or other variations from the code that do not qualify for administrative waivers.

D. The ZEO shall have the authority to forward any administrative waiver request to the BZA for review as a variance, as established in Section 1103.07.

(2) Administrative Waiver Review Procedure and Decision

A. Administrative waivers shall be reviewed as part of the zoning permit review procedure.

B. In making a decision on the administrative waiver, the ZEO shall approve or deny the application.

C. In approving an administrative waiver, the ZEO may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as they determine are required to be ensure compliance with the standards of this section and the purposes of this code. Any conditions established by the ZEO shall relate directly to the requested administrative waiver.

(3) Review Criteria for Administrative Waivers

Decisions on an administrative waiver shall be based on consideration of the same review criteria as a variance in Section 1103.07(d).

(g) Time Limits

(1) The applicant shall obtain an approved zoning permit, where required, and have initiated work within one year of the issuance of a zoning permit or the approval shall be revoked. The initiation of work shall be when the ground has been broken, construction on site improvements has begun, or construction of structures has begun.

(2) Time limits for permitted temporary uses and structures shall be as authorized in Chapter 1108: Accessory and Temporary Uses. An approval of a zoning permit for a temporary use shall include the approved start and end dates for the proposed temporary use.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(3) If construction activities for which a zoning permit has been issued are abandoned or suspended for a period of six months after the time of commencing the work, the zoning permit shall be revoked. Abandonment shall be defined as the lack of building activity or progress towards achieving the scope of work defined in the zoning permit.

(4) Upon written request, up to two extensions of six months may be granted by the ZEO if the applicant can show good cause for a delay.

(5) The ZEO shall notify the applicant of the revocation of a zoning permit including notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

(6) Upon revocation of a zoning permit, a new application, including all applicable fees, shall be required before a new zoning permit application will be reviewed.

(7) The above time limits shall not apply if alternative time limits that have been approved by the ZEO, MPC, or BZA, in accordance with the applicable review procedure.

(h) Revoking a Zoning Permit

A zoning permit approval shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the BZA in accordance with Section 1103.07, of this code.

(i) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the ZEO shall have the right to appeal the decision to the BZA as established in Section 1103.07.

1103.09 MINOR SUBDIVISIONS

(a) Purpose

The purposes of the minor subdivision process are to allow for small subdivisions of land, consolidation of lots, or transfers of a portion of a lot to an adjacent lot where there will not be the creation of a new street, dedication of right-of-way, or a need for any public improvements. Such purposes are also intended to be in alignment with the platting allowances established in ORC Chapter 711.

(b) Applicability

(1) For the purposes of these regulations, a minor subdivision is a lot split, lot consolidation, or transfer of land between adjacent property owners that complies with all of the following requirements:

A. The subdivision shall not result in or create more than five lots, including the remainder of the original lot (e.g., four new lots and the remainder of the original lot);

B. The subdivision shall be in compliance with all applicable site development standards in this code or with any variance approved from such standards;

C. All lots resulting from the minor subdivision shall have frontage and access on an existing street and shall not require the construction, expansion, or improvement of any street;

D. The subdivision shall not require any public improvements or the dedication of rights-of-way;

E. The property has been surveyed and a survey sheet or record plan, in the form provided for in this code, and a full legal description of the changes resulting from the split, are submitted with the application; and

F. No landlocking of parcels shall occur as a result of the minor subdivision.

(2) A minor subdivision also includes the recombination of land, consolidation of lots, transfer of property from one lot to an adjacent lot, and the dedication of additional land for the widening of existing streets, where no new lots are created.

(c) Minor Subdivision Review Procedure

The review procedure for a minor subdivision shall be as follows:

(1) Step 1 – Application

A. The applicant shall submit an application in accordance with Section 1103.02 and with the provisions of this section.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

B. The application shall include a deed or other instrument of conveyance containing an accurate and current legal description and a boundary survey map of each proposed new lot.

C. If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both property owners shall be required to authorize the application and instruments of conveyance shall be submitted for both resulting lots.

(2) **Step 2 – Review and Comment by Applicable Agencies**

A. Upon determination that the application for a minor subdivision is complete, the ZEO may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.

B. Such agencies may supply comments, recommendations, and approvals as applicable, to the ZEO for consideration prior to the ZEO's decision (Step 3).

(3) **Step 3 – Review and Decision by the ZEO**

A. Within 14 days of the determination that the application (Step 1) is complete, or within an extended timeframe approved by the applicant, the ZEO shall review the application and approve, approve with modifications that will bring the application into compliance with codes, or deny the application for a minor subdivision based on the review criteria established below.

B. In reviewing the minor subdivision, the ZEO, on recommendation of the City Engineer, may require the addition of easements and/or setbacks as part of a minor subdivision.

C. If the application is approved with modifications, the applicant shall be required to revise all documents prior to final signing and recording.

D. If the ZEO denies an application for a minor subdivision, the ZEO shall provide the applicant with written findings for the denial.

(4) **Step 4 – Recording**

A. If the application is approved, the ZEO shall sign and date all required deeds in the minor subdivision, or other forms of conveyance allowed by the Knox County Auditor.

B. The applicant shall then be responsible for submitting the signed conveyance to the Knox County Auditor, for the transfer of property and to the Knox County Recorder, for the recording of the lots as legal lots of record and providing a copy of said conveyance to the ZEO, after recording.

C. In the case of a transfer of land between two adjacent lots, the recording of the revised lots shall take place simultaneously.

(d) **Review Criteria**

In order for a minor subdivision to be approved, the ZEO must determine the following:

(1) That the minor subdivision complies with all applicable provisions of this code including, but not limited to, the lot and principal building regulations of Section 1105.05;

(2) That the minor subdivision complies with all other applicable regulations of the City; and

(3) That all valid objections to the minor subdivision raised by the City departments have been or will be satisfactorily resolved by the applicant.

(e) **Variances**

If the proposed subdivision requires a deviation from the minimum lot or principal building regulations (e.g., lot area, lot width, etc.) or other standards mandated by this code in Section 1105.05, the applicant will be required to apply for and receive variance approvals (See Section 1103.07.) prior to approval of the minor subdivision unless the applicant demonstrates that the sale of any new lot that is smaller than the minimum lot area requirement shall be permanently connected with the sale of an adjacent lot that, together, will meet the minimum lot area requirement of the applicable zoning district. Such restriction shall be recorded with the subject lots in a form, as approved by the Law Director, with the Knox County Recorder.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(f) Time Limit

The minor subdivision approval shall expire six months after the ZEO signs and dates the minor subdivision conveyance unless the minor subdivision is recorded in the office of the Knox County Recorder, during said period.

(g) Appeals

Any person or entity claiming to be injured or aggrieved by any final action with respect to the proposed minor subdivision shall have the right to appeal the decision to the BZA as established in Section 1103.07.

1103.10 MAJOR SUBDIVISIONS

(a) Purpose

The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision.

(b) Applicability

Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in Section 1103.09(b), shall be subject to the requirements of this section.

(c) Major Subdivision Review Procedure

(1) Step 1 – Pre-Application Meeting (Required)

An applicant may request to have a pre-application meeting with the MPC to informally discuss the application and any concept plans. Furthermore, the purpose of the meeting will be for the MPC to ascertain the locations of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision. Such meeting shall be subject to Section 1103.02(f).

(2) Step 2 – Application and Filling of the Preliminary Plat

A. The applicant shall submit an application, including a preliminary plat, in accordance with Section 1103.02 and with the provisions of this section.

B. The preliminary plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

(3) Step 3 – Administrative Staff Review and Transmission to the MPC

A. Upon determination that the application for a preliminary plat is complete, the ZEO shall forward the application to the MPC and may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer, Health Commissioner, and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.

B. The ZEO may consolidate any comments from the public received in advance of the meeting and comments from the other City departments or other departments and agencies into a report for the MPC to review as part of Step 4.

(4) Step 4 – Review and Decision on the Preliminary Plat by the MPC

A. The MPC shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

B. In making its decision, the MPC shall approve, approve with conditions, or deny the preliminary plat. The MPC may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.

C. The MPC shall make a decision within 90 days of the preliminary plat application being determined to be complete (Step 2) unless the MPC and subdivider agree to an extension of this time frame. If the MPC fails to act within the 90 days or there is no agreement for an extension of time, the application for a preliminary plat will be considered approved.

D. If the MPC denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by the MPC.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

E. In the event the MPC denies the preliminary plat or approves with conditions, the ZEO, on behalf of the MPC shall provide the subdivider with a statement, in writing, setting forth the reasons for the denial or the conditions of approval.

F. If the applicant proposed to construct the subdivision in phases, the MPC may approve a timeframe for filing of improvement plans and final plats for each phase.

G. Approval of the preliminary plat by the MPC does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and improvement plans.

(5) Step 5 – Submission of Improvement Plans and the Final Plat

A. The applicant shall submit a final plat and related improvement plans and specifications in accordance with Section 1103.02. Such application shall take place within two years following the MPC's approval of the preliminary plat unless the MPC approved an alternative schedule, in which case the applicant shall submit in accordance with the approved schedule. Failure to submit the final plat improvement plans within this time frame shall void the preliminary plat approval and the subdivider will be required to submit a new application in accordance with these regulations.

B. If a preliminary plat has been previously approved, the final plat shall have incorporated all changes from the preliminary plat approval.

C. In cases where the applicant proposes to develop the subdivision in phases, the final plat and improvement plans shall be submitted for each individual phase.

D. If the applicant proposes to provide a financial guarantee for the public improvements in lieu of installing all public improvements prior to approval of the final plat, the applicant shall be required to provide all information required as part of Section 1114.06.

E. Upon determination by the ZEO that the final plat has been properly submitted, the final plat shall be accepted as being filed.

F. The final plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

(6) Step 6 – Administrative Staff Review of the Final Plat and Improvement Plans

A. Upon determination that the submission of the final plat and improvement plans is complete, the ZEO may transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer, Health Commissioner, and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.

B. Such agencies shall supply comments and recommendations to the ZEO prior to the regularly scheduled MPC meeting where the final plat and improvement plans will be subject to review.

C. Construction of Improvements

i. Applicants shall have the choice to construct all public improvements prior to the approval of the final plat, without a financial guarantee, but such public improvements must be completed and then inspected and approved by the City Engineer before the City can approve the final plat. The improvements shall be constructed within a reasonable time as determined by the City Engineer.

ii. All required subdivision improvements shall be maintained in a satisfactory condition by the subdivider during any interim period between their construction and final approval and acceptance of the subdivision by the City.

iii. If the applicant requests approval of a final plat prior to installation of the public improvements, the applicant shall be required to provide a financial guarantee in accordance with the regulations of this code at the time the final plat is submitted for review.

(7) Step 7 – Review and Decision on the Final Plat and Improvement Plans by the MPC

A. The MPC shall review the final plat and improvement plans at its next regularly scheduled meeting, or at a special meeting, after the final plat is submitted and determined to be complete.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

B. The MPC shall approve, approve with conditions, or deny the improvement plans and final plat. The MPC may also continue the meeting if questions regarding the plat are not satisfactorily answered by the applicant.

C. The MPC shall make a decision within 30 days after the initial review of the final plat and improvement plans (Step 5) unless the MPC and subdivider agree to an extension of this time frame. If the MPC fails to act within the 30 days or there is no agreement for an extension of time, the application for a final plat will be considered approved.

D. If the MPC denies the final plat and/or improvement plans, the applicant shall not move forward in the review process until a final plat and the improvement plans are approved by the MPC.

E. In the event the MPC denies the final plat and improvement plans or approves with conditions, the MPC shall provide the subdivider with a statement, in writing, setting forth the reasons for the denial or the conditions of approval.

F. Approval of the final plat and improvement plans by the MPC shall not be an acceptance by the public of the offer of dedication of any street, or other public ways or open space on the final plat unless they are accepted by City Council in the form of the adoption of an ordinance.

G. The final plat shall be held until acceptance of all improvements in Step 8. No final plat shall be recorded until all improvements and areas offered for parks, open space, or public rights-of-way have been accepted by City Council.

H. At the completion of construction, and before acceptance of the public improvements, the developer shall furnish the City a set of record or "as-built" reproducible drawings as well as a digital copy that is compatible with the City Engineer's software showing the locations of all public improvements including the sizes and elevations of all underground utilities.

(8) Step 8 – Acceptance of Improvements by City Council

The City, through action by the City Council, shall review the final plat and consider acceptance of public improvements made by a subdivider only after meeting the following conditions:

A. The public improvements have been made in accordance with the requirements of this code, and any other manuals or documents referenced in Section 1114.03;

B. Installation of the public improvements has been completed in accordance with the applicable design standards;

C. All final inspections required by these regulations and the City have been carried out by the City, and said public improvements were found to be acceptable by the City Engineer.

D. After all public improvements have been installed to the satisfaction of the City, the subdivider shall submit an original copy of as-built improvement plans (showing how all public improvements were actually installed) to the City Engineer in a format acceptable to the City Engineer.

E. After all public improvements have been installed in accordance with the subdivision approvals and these regulations, and the subdivider has complied with this section, the City Council may, by ordinance, accept the public improvements for maintenance with any applicable financial guarantee.

(9) Step 9 – Disposition of Approved Plat and Recordation

A. All required deeds, agreements, and other required legal instruments shall be submitted to the ZEO within 60 days from the date of the MPC's approval or such approval shall thereafter be rendered null and void.

B. Any recorded plat which has not been approved according to the regulations in this chapter shall be considered invalid.

C. The subdivider shall then be responsible for submitting the signed plat to the Knox County Recorder, for the recording of the lots as legal lots of record and providing a copy of said plat to the City after recording.

D. The approval of a plat shall expire within 120 days after City Council approval is effective unless the plat has been duly filed and recorded by the applicant as required by law, and the original tracing of the plat has been filed with the ZEO.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(d) Review Criteria

In order to approve a major subdivision, the MPC shall determine the following:

(1) That the major subdivision complies with all applicable provisions of this code;

(2) That the major subdivision does not conflict with other regulations, plans, or policies of the City;

(3) That the proposed subdivision is designed to be harmonious with the existing immediate or surrounding area or is in keeping with the intended character of such area;

(4) That the proposed streets are in accordance with approved plans and have been coordinated with existing streets, and that adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion in public streets;

(5) That the proposed subdivision will not adversely affect the delivery of governmental services;

(6) That applicable review agencies have no objections that cannot be resolved by the applicant; and

(7) That the final plat and improvement plans conform to the approved preliminary plat, if submitted and approved.

(e) Amendments of Application

(1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the MPC and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the MPC.

(2) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plat, if submitted, is not workable and changes in layout are required, the applicant shall inform the City Engineer. The City Engineer may require that a revised preliminary plat be submitted for re-approval following the review procedure in Section 1103.10(c)(4), above, if the changes significantly alter the design of the subdivision, including changes to the number of lots, modification of street layouts, or other substantial changes. If the proposed changes are technical or minor and do not substantively alter the approved preliminary plat, the City Engineer may approve the revisions. Failure to submit and receive approval of a revised preliminary plat shall void approval of the preliminary plat and any new submission shall be subject to a new application.

(3) During the final plat process, the City Engineer is authorized to allow minor changes related to the public improvements or design where there is minimal impact to the overall design of the subdivision. This limited authority shall not give the City Engineer the authority to vary the requirements of this code.

(4) If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement plans, the subdivider shall submit the modified improvement plans (which have now become as-built drawings) to the City Engineer, who, if in agreement with such modifications, shall sign these drawings to indicate approval of the modifications. If the City Engineer does not approve the modifications, the applicant shall be required to bring the improvements into compliance with the approved improvement plans or the City may utilize the financial guarantee to correct the issue.

(f) Subdivision Modifications

(1) Purpose

The purpose of a subdivision modification is to provide limited relief from standards that apply to the subdivision of land, including standards for improvements. Subdivision modifications are intended for those cases where strict application of a particular requirement will create a practical difficulty or extraordinary hardship prohibiting the use of land in a manner otherwise allowed under these regulations. It is not intended that modifications be approved merely to remove inconveniences or financial burdens that the requirements of these regulations may impose on property owners or subdividers in general.

(2) Applicability

A. If the proposed subdivision requires a deviation from the minimum lot and principal building regulations (e.g., lot area, lot width, etc.) or other standards identified in Section 1105.05, the applicant will be required to apply for and receive all the necessary variance approvals (See Section 1103.07.) prior to approval of a preliminary plat.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

B. If the applicant seeks a modification of standards required by Chapter 1114: Subdivision Design, then the request for a modification shall be accomplished through the procedure outlined in this section.

(3) Subdivision Modification Review

A. A request for a subdivision modification shall be reviewed as part of the preliminary plat review procedure.

B. In reviewing the application, the MPC shall, at a minimum, consider the review criteria of this section.

C. The MPC shall review the request and may approve, approve with conditions, or deny the request to modify any or all of the requested modifications.

D. In approving a modification, the MPC may impose conditions on the approval as it determines are required to ensure compliance with the provisions and purposes of these regulations.

E. If the preliminary plat is denied or if the approval of the preliminary plat expires, so does the approval of the subdivision modification. Any future request for preliminary plat approval that includes the same modifications shall require a new review and decision on the request for modifications.

(4) Review Criteria

The review criteria for a subdivision modification shall be the same as those for a variance as established in Section 1103.07(d).

(g) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the MPC shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

1103.11 INTERPRETATION OF THE CODE

It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the ZEO, and that such questions shall be presented to the BZA only on appeal from the decision of the ZEO. Such appeals shall be in accordance with Section 1103.07.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1104: Establishment of Zoning Districts

1104.01 PURPOSE

The purpose of this chapter is to set out the individual purpose statements for each of the City's zoning districts as well as the list of uses that are allowed within each zoning district. The uses are either allowed or prohibited, and where they are allowed, they may be permitted, permitted with additional standards, or conditionally permitted with additional review. Finally, this chapter includes use-specific standards for a variety of uses that apply to those uses alone in addition to all other applicable standards of this code.

1104.02 ESTABLISHMENT OF ZONING DISTRICTS

(a) Districts Established

(1) The City hereby establishes the zoning districts in Table 1104-1 to carry out the purposes of this code and to assist in the implementation of plans and policies adopted by the City. All such regulations are uniform for each class or kind of building, structure, or use throughout each individual district.

TABLE 1104-1: MOUNT VERNON ZONING DISTRICTS

Abbreviation	District Name
Residential Base Zoning Districts	
RR	Rural Residential District
ER	Estate Residential District
R-1	Single-Family Residential District
R-1A	Core Residential District
R-2	Single- and Two-Family Residential District
R-3	Attached Residential District
R-4	Mixed Residential District
R-MH	Manufactured Home Park District
Nonresidential Base Zoning Districts	
NC	Neighborhood Commercial District
CB	Central Business District
GB	General Business District
OB	Office Business District
LI	Light Industrial District
GI	General Industrial District
PI	Public and Institutional District
Special Base Zoning District	
PD	Planned Development District
Overlay Zoning Districts	
FDPO	Flood Damage Prevention Overlay District
HO	Historic Overlay District

(2) Whenever the abbreviated terms such as R-1, R-MH, NC, GB, etc. are used in the code, they shall be construed as referring to their corresponding district name.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(b) Overlay Zoning Districts

(1) Some areas of the City may be divided into overlay zoning districts as established in Table 1104-1.

(2) As the name implies, overlay zoning districts are "overlaid" on top of base zoning districts where both districts affect the use of lots subject to those districts.

(3) Where land is classified into an overlay zoning district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying base district. In the event of an expressed conflict between the standards of the overlay zoning district and the base zoning district, the standards governing the overlay district shall control.

(c) References to Previous Zoning Districts

Some of the district classifications and names established within this code differ from previous versions of this code. Table 1104-2 identifies how each of the previous district classifications were renamed in this code. This table shall be used for comparison purposes only.

TABLE 1104-2: ZONING DISTRICT TRANSITION TABLE

Zoning Districts in the Planning and Zoning Code Effective Prior to <>	Zoning Districts in the Planning and Zoning Code Effective <>
RR: Rural Residential District	RR: Rural Residential District
ER: Estate Residential District	ER: Estate Residential District
R-1: Single-Family District	R-1: Single-Family Residential District
	R-1A: Core Residential District
R-2 Single and Two-Family District	R-2 Single- and Two-Family Residential District
R-3: Multi-Family District	R-3: Attached Residential District
No Existing District	R-4: Mixed Residential District
R-MH: Manufactured Home Park District	R-MH: Manufactured Home Park District
NC: Neighborhood Commercial District	NC: Neighborhood Commercial District
CB: Central Business District	CB: Central Business District
TOC: Traffic-Oriented Commercial District	GB: General Business District
GB: General Business District	
O/I: Office-Institutional District	OB: Office Business District
M-1A: Light Industrial District	LI: Light Industrial District
M-1: Manufacturing District	GI: General Industrial District
P-1: Public, Semi-Public District	PI: Public and Institutional District
Special Districts	District Eliminated
FDPD: Flood Damage Prevention District	FDPO: Flood Damage Prevention Overlay District
Historical District	HO: Historic Overlay District
PND: Planned Neighborhood District	PD: Planned Development District
PCDD: Planned Commercial Development District	

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1104.03 ZONING DISTRICT MAP AND DISTRICT BOUNDARIES

(a) Zoning District Map

(1) All land within the City of Mount Vernon shall be placed into at least one of the base zoning districts established in Table 1104-1. Such zoning shall be shown on the Official Zoning Map of Mount Vernon, Ohio, hereafter referred to as the "zoning map." The zoning map, including any notations, shall be incorporated and made a part of this code.

(2) Any changes in zoning districts made by City Council or changes to the zoning classifications of areas annexed to the City shall also be noted on the zoning map by the ZEO.

(b) Interpretation of Zoning District Boundaries

(1) Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules apply:

A. Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.

B. Where zoning district boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.

C. Where zoning district boundary lines are indicated as approximately following City limits, such City limits shall be the zoning district boundary.

(2) When the actual street, right-of-way, property line boundary, or other existing ground condition is in conflict with that shown on the zoning map, the ZEO shall provide the necessary interpretation, with their decision appealable to the BZA. The person contesting the location of the district boundary shall be given a reasonable opportunity to submit technical evidence to illustrate the boundary.

(c) Zoning of Vacated Properties

Whenever any street, alley, or other public right-of-way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

(d) Zoning of Annexed Territories

(1) Territory annexed in the City of Mount Vernon after the effective date of this code shall continue to be governed by the zoning regulations which governed the territory annexed immediately prior to the annexation, as enacted by a Board of County Commissioners under Ohio Revised Code 303.01 to 303.25, or enacted by a Board of Township Trustees under Ohio Revised Code 519.02 to 519.25, as may be applicable.

(2) As soon as practicable after the annexation of territory to the City of Mount Vernon, proceedings shall be instituted by the MPC to include the annexed territory in one or more of the zoning districts defined in this code, as amended. All land annexed to the City which, prior to annexation, is not subject to county or township zoning shall remain unzoned until the zoning map is amended according to the provisions of Section 1103.03.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1105: Base Zoning Districts and Principal Uses

1105.01 ZONING DISTRICT PURPOSE STATEMENTS

In addition to the overall purpose of this code, as established in Section 1101.01, the following are the purpose statements for the individual base zoning districts in the City of Mount Vernon. The purpose statements for overlay districts are established in Chapter 1106: Overlay Zoning Districts and the purpose statements for Planned Developments (PDs) are established in Chapter 1107: Planned Development Districts.

(a) Residential Districts (RR, ER, R-1, R-1A, R-2, R-3, R-4, and R-MH)

Residential districts and their regulations are established in order to achieve, among others, the following purposes:

(1) Provide uniform regulations for residential uses in conformance with the overall purposes of this code;

(2) Encourage the development of a wide range of housing type and affordability options to accommodate all residents;

(3) Regulate the density and distribution of population in accordance with the objectives of the City of Mount Vernon's adopted plans to avoid congestion and to maintain adequate services;

(4) Provide for the proper location of residential dwellings in proximity to community and shopping facilities so as to increase the general convenience, safety, and amenities in the area;

(5) Provide protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic, and other objectionable influences from other incompatible land uses;

(6) Protect the desirable characteristics of existing residential development to promote neighborhood stability; and

(7) To carry out the following specific purposes:

A. The Rural Residential District (RR) and Estate Residential District (ER) are established to create two districts, with different lot area requirements, that control the indiscriminate infiltration of urban development into rural areas that are not equipped to provide necessary public services or do not have sufficient roadways to carry increased traffic loads. This district designation will often be used as a transitional designation for newly annexed rural land until such a time as services can be provided for appropriate development.

B. The Single-Family Residential District (R-1) is established to encourage the creation and preservation of moderate-density single-family residential neighborhoods and to limit the establishment of nonresidential uses to those that are compatible with the intended neighborhood character. The stipulated density is intended to provide for areas of suburban character in the community that may also include limited public and institutional uses that serve the neighborhoods.

C. The Core Residential District (R-1A) is established to encourage the creation and preservation of higher-density single-family residential neighborhoods that were platted early in the City's history and are reflective of smaller, urban lots surrounding the central areas of the city. The stipulated density is intended to provide for areas of urban character in the community that may also include limited public and institutional uses that serve the neighborhoods.

D. The Single- and Two-Family Residential District (R-2) is intended to provide for and encourage the orderly development of single-family and two-family residences and customary supporting public and institutional uses.

E. The Attached Residential District (R-3) is intended to provide for and encourage orderly medium-density residential development in the form of multiple family housing or as a mixture of different housing types. The stipulated density is intended to provide for areas of suburban character in the community that may also include limited public and institutional uses that serve the neighborhoods.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

F. The Mixed Residential District (R-4) is intended to provide for and encourage orderly higher-density residential development in the form of multiple family housing or as a mixture of different housing types. It is specifically the purpose of this district to encourage higher density development around downtown and the general business areas where they can provide support for local businesses and also serve as transitional areas to lower-intensity uses. The stipulated density is intended to provide for areas of suburban character in the community that may also include limited public and institutional uses that serve the neighborhoods.

G. The Manufactured Home Park District (R-MH) is intended to provide for the continuance and maintenance of manufactured home parks that existed prior to the effective date of this code.

(b) <u>Business and Commercial Districts (NC, CB, GB, and OB)</u>

The business and commercial zoning district regulations are established in order to achieve, among other things, the following purposes:

(1) To provide in appropriate and convenient locations of sufficient size for the exchange of goods and services;

(2) To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;

(3) To promote the most desirable and beneficial use of the land in accordance with the objectives of the City of Mount Vernon's adopted plans; and

(4) To carry out the following specific purposes:

A. The Neighborhood Commercial District (NC) is established to create a district that permits a wide variety of small-scale retail, office, and service establishments with development standards that ensure that development is compatible with adjacent land uses that create a more pedestrian-oriented environment. It is furthermore the purpose of this district to encourage and provide for the orderly development of neighborhood shopping facilities serving the regular day-to-day convenience shopping and personal service needs of nearby residents.

B. The Central Business District (CB) is established to provide a central business district that preserves, maintains and promotes Downtown Mount Vernon as a core area for retail sales and to promote and enhance the existing historic, compact pedestrian orientation of the downtown by permitting buildings to be close to the street and to one another. This district is intended for a variety of businesses, institutional, public, quasi-public, cultural, and other related uses to provide the mix of activities necessary to establish a true urban business district.

C. The General Business District (GB) is established to accommodate a broad range of commercial services and activities in locations adequately served by major streets and other facilities and to provide a wide range of goods and services to a large consumer population from the larger regional area. Activities in this district are often large space users.

D. The Office Business District (OB) is established to create an environment conducive to well-located and designed office building sites and to accommodate primarily office and institutional uses, along with some residential uses. This district may also provide a land use transitional area to some residential districts, thus providing protection from more intense business uses or major thoroughfares.

(c) <u>Industrial Districts (LI and GI)</u>

The industrial zoning districts are established in order to achieve, among other things, the following purposes:

(1) To promote the most desirable and beneficial use of the land and structures in accordance with the objectives of the City of Mount Vernon's adopted plans;

(2) To provide appropriate and convenient districts of sufficient size to carry on research, manufacturing processes, and distribution activities to serve the community, thereby promoting employment and strengthening the economy of the community;

(3) To improve the manufacturing environment by discouraging unrelated and incompatible uses in such areas, thereby making land more readily available for industry;

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(4) To protect adjacent residential districts by restricting types of manufacturing uses nearby to only those which will not create objectionable influences beyond their district boundaries and will be properly buffered and screened;

(5) To protect manufacturing and related development against congestion by requiring setbacks and limiting the bulk and density of development in relation to adjacent buildings and available land and by requiring sufficient off-street parking and loading facilities; and

(6) To carry out the following specific purposes:

A. The specific purpose of the Light Industrial District (LI) is to provide an area for office and industrial uses in areas suitable for such development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation systems. The intent is to permit office and light industrial and warehouse activities that are office-like in physical appearance, service requirements, and operational characteristics; uses that can be carried on wholly within enclosed buildings and subject to those regulations necessary to reduce congestion and for the protection of adjacent residential and business activities. This district also permits accessory retail and service uses to serve as support services for the adjacent office/industrial uses. The uses allowed are those that because of their normally unobjectionable characteristics can be operated in relatively close proximity to residential districts.

B. The specific purpose of the General Industrial District (GI) is to provide for industrial and other uses that by virtue of their external effects, noise, glare, fumes, smoke, dust, odors, truck and/or rail traffic, should be isolated from residential and commercial uses. These uses perform essential functions for the City, including employment, and should be provided for in areas that are best suited for industrial development by reason of location, utilities and transportation systems.

(d) **Public and Institutional District (PI)**

The purpose of the Public and Institutional District is to:

(1) Provide proper zoning classification for government, civic, education, welfare, and recreation facilities in the proper locations and extents so as to promote public health, safety, convenience, comfort, prosperity and general welfare;

(2) Protect public and semi-public facilities and institutions from the encroachment of certain other uses and make such uses compatible with adjoining residential uses; and

(3) Provide an environment for the proper functioning of public facilities in relation to the adopted plans for community facilities.

1105.02 SPECIAL USE AND DISTRICT PROVISIONS FOR THE R-MH DISTRICT

(a) As stated, the purpose of R-MH Manufactured Home Park District is to protect existing manufactured home parks within the City and allow for their continuation as a conforming use while prohibiting the creation of new manufactured home parks. Manufactured housing will continue to be allowed in Mount Vernon when they meet the requirements of permanently sited manufactured homes within this chapter.

(b) After the effective date of this code, no new R-MH Districts may be established in the City of Mount Vernon.

(c) The following principal uses are permitted in the R-MH District:

(1) Industrialized units;

(2) Manufactured homes;

(3) Mobile homes (not including recreational vehicles or fifth-wheel trailers);

(4) Administrative office uses for leasing, maintenance, or operations of the manufactured homes park; and

(5) Residential community centers for the benefit of residents of the park.

(d) Accessory uses are permitted in accordance with Section 1108.01.

(e) Any modifications to an approved plan for an existing manufactured home park shall be subject to review and approval by the MPC as part of a conditional use review process.

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(f) All manufactured home parks shall comply with all applicable requirements of the Ohio Administrative Code, the Ohio Public Health Council, and the Ohio Revised Code.

1105.03 ALLOWED PRINCIPAL USES

(a) Table 1105-1 lists the principal uses allowed within the various base zoning districts in the City of Mount Vernon. Chapter 1107: Planned Development Districts identifies the uses that are allowed in PDs and Section 1105.02, above, addresses permitted uses in the R-MH District.

(b) **Essential Services Exempted**

(1) The erection, construction, alteration, or maintenance by public utilities or municipal departments, boards or commissions of essential services shall be exempt from the regulations of this code. Provided, however, that the installation of such essential services shall conform to Federal Communications Commission and Federal Aviation Administration rules and regulations, and those of other authorities having jurisdiction.

(2) Buildings required in conjunction with an essential service identified in Section 1105.03(b)(1) above shall be subject to the regulations of this code and shall be reviewed as a principal use in accordance with Chapter 1105: Base Zoning Districts and Principal Uses.

(c) **Explanation of Permitted Uses Table**

(1) **Permitted Uses (P)**

A. A "P" in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.

B. Permitted uses are approved administratively by the ZEO through the zoning permit procedure unless subject to additional reviews (e.g., variance, etc.).

(2) **Permitted Uses with Standards (PS)**

A. A "PS" in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of Table 1105-1. Permitted uses with standards are subject to all other applicable standards of this code.

B. Uses permitted with standards are approved administratively by the ZEO through the zoning permit procedure unless subject to additional reviews (e.g., variance, etc.).

(3) **Conditional Uses (C)**

A. A "C" in a cell indicates that a use may be permitted if approved by the MPC through the conditional use review procedure (See Section 1103.06.). Conditional uses may be subject to use-specific standards as identified in the last column of Table 1105-1. Conditional uses are subject to all other applicable standards of this code.

B. The existence or lack of additional use-specific standards for conditional uses in this code shall not be implied to be the only standards the conditional use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in Section 1103.06(c).

(4) **Prohibited Uses (Blank Cell)**

A. A blank cell indicates that a use is specifically prohibited in the applicable zoning district.

B. Any use not specifically listed in the table shall be considered prohibited unless approved as a similar use (See Section 1105.03(e).) or through a code text amendment.

C. There may be districts where a specified use is prohibited either by an overlay zoning district or by the use-specific standards referenced in the last column of Table 1105-1.

D. The following uses are specifically prohibited in the City of Mount Vernon and may not be approved as a similar use in accordance with Section 1105.03(e):

i. Medical marijuana dispensary;

ii. Recreational marijuana dispensary;

iii. Battery reclamation or manufacturing, the manufacturing or processing of regulated substances as the principal activity, the manufacturing of paints, varnishes, lacquers, and enamels, or any similar type of use that could potentially create a brownfield site;

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iv. Outdoor storage of goods, materials, or vehicles as the principal use of a property; and

v. Any gambling activity that is not expressly allowed by state law within a building or use allowed under this code.

(5) **Use-Specific Standards**

A. The column titled "Use-Specific Standards" includes cross-references to a section containing standards that apply specifically to the listed use.

B. Use-specific standards shall only apply if the use is permitted with standards (PS) or is a conditional use (C) in the zoning district.

C. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated.

D. The land uses and activities covered by this section shall comply with the applicable use-specific standards in all districts unless otherwise specified, in addition to all other applicable provisions of this code.

(d) **Multiple Uses**

If multiple uses are proposed on a single lot or in a single building, then each of the individual uses shall be allowed in the applicable zoning district and reviewed in accordance with how the individual use is allowed in the district (i.e., permitted, permitted with standards, or conditional use).

(e) **Similar Use Determination and Unlisted Uses**

(1) The ZEO shall make the determination if a proposed use is permitted, permitted with standards, conditional, or prohibited under the provisions of this chapter.

(2) The ZEO may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, conditional, or prohibited as established in Table 1105-1 based on:

A. The proposed use activities;

B. The character of the proposed use as compared to other uses;

C. Similarity to existing uses within the City; and/or

D. Information on the use that may be available from third-party or governmental land use resources such as documentation from the American Planning Association, Urban Land Institute, the U.S. Census Bureau, or similar organizations.

(3) If the ZEO determines that the proposed use is substantially similar to a use established in Table 1105-1, the application shall be processed in the same manner as the similar use.

(4) In finding that a proposed use is similar to a use established in Table 1105-1, the ZEO shall make a note of the similar use on the application form submitted by the applicant (e.g., zoning permit, conditional use approval, etc.).

(5) If the ZEO makes the determination that a use is not allowed, the application shall be denied. Such decision may be appealed to the BZA pursuant to Section 1103.07.

(6) The ZEO shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in this code, the use unlisted in this code about which the determination of substantial similarity was made, and the dates of any actions thereupon. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The ZEO shall provide a summary of similar use determinations to the BZA and shall consult this record in the process of issuing future permits.

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TABLE 1105-1: PRINCIPAL USES												
P=Permitted Use			PS=Permitted Use with Standards						C=Conditional Use			
Principal Land Uses	**RR**	**ER, R-1 & R-1A**	**R-2**	**R-3 & R-4**	**NC**	**CB**	**GB**	**OB**	**LI**	**GI**	**PI**	**Use-Specific Standards** See Section:
Agricultural Uses												
Agriculture	PS										PS or C	1105.04(a)
Residential Uses – Household Living												
Dwelling, Multi-Family				P	C		C	C				
Dwelling, Rowhouse			C	P	C		C	C				
Dwelling, Single-Family	P	P	P	P	C	C		C				1105.04(b)
Dwelling, Two-Family		C	P	P	C	C		C				1105.04(b)
Dwelling, Three-Family		C	C	P	C	C						1105.04(b)
Permanently Sited Manufactured Home	PS	PS	PS	PS	C			C				1105.04(d)
Small-Scale Planned Housing Development		C	C									1105.04(c)
Residential Uses – Group Living												
Residential Facility, Large			C	C	C			C				1105.04(e)
Residential Facility, Small	PS	PS	PS	PS	C			C				1105.04(f)
Permanent Supportive Housing				C	C		P	C			P	
Transitional Housing				C	C		P	C			P	
Skilled Nursing or Personal Care Facility				C	C		PS	C			PS	1105.04(g)
Public and Institutional Uses												
Active Recreational Use	C	C	C	C	C	C	C	C	C	C	PS	1105.04(h)
Airport or Heliport										C	P	
Cellular or Wireless Communication System (Colocation)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1105.04(i)
Cellular or Wireless Communication System (New)					C	C	C	C	C	C	C	1105.04(i)
Cemetery	C										PS	1105.04(j)
Community Garden	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1105.04(k)
Cultural Facility	C	C	C	C	C	P	P	P			P	
Educational Institution (Higher Education)	C	C	C	C	C	P	P	C	P		P	
Educational Institution (Preschool and K-12)	P	P	P	P		C	P	P	P		P	
Fraternal, Charitable, or Service Oriented Club						PS	PS	C			PS	1105.04(l)
Government Office or Building	C	C	C	P	P	P	P	P	P	P	P	
Hospital											P	
Memorial or Monument					P	P	P	P			P	
Nursery Schools and Day Care Centers	C	C	C	C	C	C	PS	C			PS	1105.04(m)
Passive Park, Open Space, or Natural Area	P	P	P	P	P	P	P	P	P	P	P	
Place of Worship	PS	PS	PS	PS	PS	PS	PS	PS			PS	1105.04(n)

TABLE 1105-1: PRINCIPAL USES												
P=Permitted Use			PS=Permitted Use with Standards						C=Conditional Use			
Principal Land Uses	**RR**	**ER, R-1 & R-1A**	**R-2**	**R-3 & R-4**	**NC**	**CB**	**GB**	**OB**	**LI**	**GI**	**PI**	**Use-Specific Standards** See Section:
Parking Lot or Garage						C			C	PS	P	1105.04(o)
Public Utility Building or Facility	C	C	C	C	C	C	C	C	P	P	P	
Residential Community Center	PS	PS	PS	PS								1105.04(p)
Commercial and Office Uses												
Administrative, Business, or Professional Offices					P	P	P	P	PS	PS		1105.04(q)
Adult Entertainment Establishment							C					1105.04(r)
Amusement Arcade						C	C					1105.04(s)
Animal Boarding Facility	C									P		1105.04(t)
Animal Hospital/Clinics and Animal Grooming	C				C	C	PS	C	PS	PS		1105.04(t)
Assembly Halls or Conference Centers						P	P		P	P		
Automotive Repair and Service (Minor)							PS		PS			1105.04(u)
Automotive Repair and Service (Major)							C		C	PS		1105.04(v)
Bed and Breakfast	C		C	C				C				1105.04(w)
Commercial and Business Support Service							P			P		
Commercial Greenhouse or Nursery							P			P		
Commercial Recreational Facility (Indoors)							C		C	C		
Commercial Recreational Facility (Outdoors)	C						C		C	C		1105.04(h)
Financial Institution					P	P	P	P				
Fuel Station							PS					1105.04(u)
Funeral Home and Mortuary					C		PS	C	PS	PS		0
Hotel							P					
Live/Work Unit					PS			PS				1105.04(y)
Medical/Dental Clinic or Health Center					P		P	P			P	
Microbrewery, Microdistillery, or Microwinery						PS	PS		PS	PS		1105.04(z)
Mixed-Use Building					C	P	P					
Multi-Tenant Use					P	P	P	P				
Personal Services					P	P	P	P				
Restaurants					P	P	P	C				
Retail Business					P	P	P					
Short-Term Rentals	PS	PS	PS	PS	PS	PS	PS	PS				1105.04(aa)
Theaters						C	P				P	
Vehicle Sales and Leasing							P					
Vehicle Washing Establishments							PS					1105.04(bb)

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TABLE 1105-1: PRINCIPAL USES												
P=Permitted Use			PS=Permitted Use with Standards						C=Conditional Use			
Principal Land Uses	**RR**	**ER, R-1 & R-1A**	**R-2**	**R-3 & R-4**	**NC**	**CB**	**GB**	**OB**	**LI**	**GI**	**PI**	**Use-Specific Standards** See Section:
Industrial Uses												
Bulk Sale, Storage, or Distribution of Grains									P	P		
Contractor Equipment and Storage Yard							PS		PS	PS		1105.04(cc)
Food Service									P	P		
Industrial Service Use									P	P		
Junk and Salvage Yard										C		
Machinery and Heavy Equipment Sales, Leasing, Storage, and Service									C	P		
Manufacturing and Production (Heavy or Outdoors)										C		
Manufacturing and Production (Indoors)									P	P		
Marijuana Cultivator									P	P		
Marijuana Processing									P	P		
Mineral Extraction										C	C	
Railyards and Rail Service										P		
Recycling Center										P	C	
Research and Development Facility									P	P		
Self-Storage Facility							C		PS	PS		1105.04(dd)
Truck Terminal										P		
Warehouse									P	P		
Wholesale Establishment									P	P		
Special Uses												
Adaptive Reuse of a Pre-Existing Building	C	C	C	C	C	C	C	C	C	C	C	1105.04(ee)

1105.04 USE-SPECIFIC STANDARDS

(a) Agriculture

(1) The feeding or sheltering of livestock, including poultry, shall be permitted in penned enclosures that are set back a minimum of 100 feet from any lot in a residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

(2) In the PI District, only the raising of crops or pasturage shall be permitted. The feeding or sheltering of livestock or other animals shall only be permitted if approved as a conditional use.

(b) Dwellings, Single-Family, Two-Family, and Three-Family

(1) Two-family and three-family dwellings are prohibited in the R-1 District.

(2) In the R-1A District, two-family and three-family dwellings may be permitted if the applicant for the use can demonstrate that the building was divided into separate dwelling units prior to January 1, 1990. An applicant shall be required to get a conditional use approval in order to demonstrate compliance with these regulations and to maintain the use as an allowed use rather than a nonconforming use.

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(3) In the CB District, single-family, two-family, and three-family dwellings are permitted to continue or to be reconstructed if completely destroyed if the applicant for the use can demonstrate that the building existed on or before the effective date of this code. The nonconforming use regulations of this code shall not apply in these cases, however, should the use of the property as single-family, two-family, or three-family dwellings be replaced by a use allowed in the CB District, then the building may no longer be used for single-family, two-family, or three-family dwellings.

(4) The establishment of new two-family and three-family dwellings are prohibited in the R-1A District.

(c) Small-Scale Planned Housing Development

(1) Purpose

The purpose of the small-scale planned housing development principal use is to provide a method by which the City may consider alternative housing developments within the context of existing neighborhoods that:

A. Reflect modern approaches to housing development that may not be reflected in the specific types of housing allowed in this code;

B. Provide for additional housing products and designs that can increase housing supply and affordability;

C. Allow for both of the above while maintaining generally similar densities as surrounding blocks or slightly higher densities if along transitional areas between different residential zoning districts or adjacent nonresidential zoning districts.

(2) Applicability

A. Small-scale housing developments may only be considered for the redevelopment of an entire block, a portion of a block, or a project of less than five acres, whichever is less.

B. Any application shall include lots that are under joint or common ownership or control at the time the application is made. This may include applications where the applicant has written authorization to proceed with the application from all property owners of lots that will be subject to development.

C. Any approval hereunder shall be binding upon the applicant, their successors and assigns, and shall limit and control the issuance of validity of all zoning permits.

(3) Review Criteria

When reviewing an application for a small-scale housing development, the MPC shall consider the review criteria established for all conditional uses in Section 1103.06(c), the purpose statement above, and the standards for the developments within this subsection.

(4) Standards

A. Example Types of Small-Scale Housing Developments

The purpose of this use type is to allow some flexibility for consideration of new housing development types and forms not easily defined by individual use types in Table 1105-1. While any type of development can be proposed through an application for small-scale housing developments, below are some examples of housing development types that could be considered.

i. Cottage Court

ii. Condominiums

iii. Tiny Home Development

iv. Zero Lot Line Development

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B. Allowable Densities

Table 1105-2 establishes the maximum gross density of a small-scale housing development allowed in each zoning district.

TABLE 1105-2: MAXIMUM GROSS DENSITY OF SMALL-SCALE HOUSING DEVELOPMENTS

District	Maximum Gross Density
ER	5 units per acre
R-1	7 units per acre
R-1A	10 units per acre
R-2	12 units per acre

C. Minimum Dwelling Size

The MPC may authorize a reduction in the minimum dwelling size requirements of Section 1105.05 as part of the approval. In no case shall a dwelling size be less than 200 square feet.

(d) Permanently-Sited Manufactured Home

(1) The home shall meet the definition of a permanently sited manufactured home as established in ORC Section 3781.06.

(2) The home shall comply with all zoning requirements of a single-family dwelling in the applicable zoning district.

(3) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, do not qualify as a permanently sited manufactured home and shall be prohibited.

(e) Residential Facility, Large

Residential facilities as defined in ORC Chapter 5119 providing services for six to 16 people and residential facilities as defined in ORC Chapter 5123 providing services for nine to 16 people are allowed in the R-2, R-3, R-4, and OB Districts if approved as a conditional use. Such facilities must comply with the lot and principal building regulations (See Section 1105.05.) and any other standards in this code that apply to multi-family dwellings within the applicable district.

(f) Residential Facility, Small

Residential facilities as defined in ORC Chapter 5119 providing services for one to five people and residential facilities as defined in ORC Chapter 5123 providing services for six to eight people are allowed where single-family dwellings are permitted. Such facilities must comply with the lot and principal building regulations (See Section 1105.05.) and any other standards in this code that apply to single-family dwellings within the applicable district.

(g) Skilled Nursing or Personal Care Facility

Skilled nursing or personal care facilities shall be located so as to provide direct access from an arterial or collector street.

(h) Active Recreational Use or Commercial Recreational Facility (Outdoors)

(1) All structures, viewing areas, or seating areas shall be set back at least 250 feet from any residential zoning district. The MPC may allow for a smaller setback or increase the setback based on the intensity of use of the structure or activity proposed.

(2) All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets. See Section 1109.02 for additional information on outdoor lighting.

(3) The hours of operation may be regulated by the MPC, if necessary, to mitigate adverse impacts on adjacent residential uses.

(4) No use that involves the discharge of firearms is permitted.

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(i) Cellular or Wireless Communication Systems

(1) Purpose

In recognition of the quasi-public nature of cellular and/or wireless personal communication systems, it is the purpose of these regulations to:

A. Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the City;

B. Minimize adverse visual effects of communications towers and support structures through proper siting, design and screening;

C. Avoid potential damage to adjacent properties from communications towers and support structure failure; and

D. Encourage the joint use of any new and existing communications towers and support structures to reduce the number of such structures needed in the future.

(2) Applicability

This section of regulations shall apply to the review of any cellular or wireless communication systems that are to be located on a lot within the City of Mount Vernon. Small-cell wireless facilities that are to be located in a right-of way are subject to the provisions of Section 1109.08.

(3) Use Regulations

The following use regulations shall apply to cellular or wireless communication antennas and towers:

A. A cellular or wireless communications antenna that is mounted to an existing communications tower (colocation), whether said tower is for cellular or wireless purposes or not, smoke stack, water tower or other tall structure, shall be permitted as of right in all zoning districts. Cellular or wireless communications antenna may also be located on the top of buildings which are no less than fifty 50 feet in height.

B. Any cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which matches, or is compatible with, the structure on which it is located.

C. A cellular or wireless communications antenna that is not mounted on an existing structure or attached in a manner different than allowed in Paragraphs A or B, above, is permitted as a conditional use in any nonresidential zoning district.

D. All other uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.

E. New cellular or wireless communications towers and sites shall not be located in any residential zoning district and shall be set back a minimum distance from residential zoning districts as follows:

i. Cellular or wireless communication towers less than 100 feet in height shall be set back a minimum of 500 feet from any residential zoning district.

ii. Cellular or wireless communications towers that are 100 feet or taller, but less than 150 feet in height shall be set back a minimum of 750 feet from any residential zoning district.

iii. Cellular communications towers 150 feet in height and greater shall be shall be set back a minimum of 1000 feet from any residential zoning district.

(4) Standards for Cellular or Wireless Communication Antennas and Towers Requiring a Conditional Use Approval

The following standards shall apply to all conditionally permitted cellular or wireless communications antennas and towers in addition to the conditional use review criteria of Section 1103.06(c):

A. The cellular or wireless communications company shall be required to demonstrate, using the latest technological evidence, that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.

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B. If the communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one-mile radius of the site proposed, asked for permission to install the cellular communications antenna on those structures and was denied for reasons other than economic ones. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, buildings over 50 feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway light poles.

C. The City may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

(5) **Standards for Approval of All Cellular or Wireless Communications Antennas and Towers**

A. The applicant shall demonstrate the antenna/tower is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height shall be approved.

B. If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wires anchors and the property line shall be the greater of the following:

i. 40 percent of the tower height;

ii. The minimum setback in the underlying zoning district; or

iii. 50 feet.

C. The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure or radio frequency interference. Furthermore, all cellular or wireless communications towers shall be fitted with anti- climbing devices as approved by the manufacturers.

D. A fence shall be required around the cellular or wireless communications tower and its support structures, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet in height and shall be erected to prevent access to nonauthorized personnel.

E. **Landscaping**

i. A fence shall be required around the base of the cellular or wireless communication tower, support structures, and any other ground level features.

ii. Landscaping and buffering shall be required when adjacent to residential districts in accordance with Section Chapter 1111: Landscaping and Screening.

iii. Additionally, existing vegetation on and around the site shall be preserved to the greatest extent possible.

F. In order to reduce the number of antenna support structures needed in the City in the future, the proposed cellular or wireless communications tower shall be required to accommodate other uses, including other cellular or wireless communications companies, and the local police and fire departments.

G. The communications company must demonstrate to the City that it is licensed by the Federal Communications Commission (FCC).

H. If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall comply with the applicable parking requirements of this code.

I. Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular or wireless communication tower or antenna shall contain any signage containing a commercial message.

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(6) Maintenance

Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless discontinued for a period of 12 continuous months or more shall be removed along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, is unused or has ceased the daily activities or operations which had occurred.

(j) Cemetery

(1) Cemeteries may be for humans or domestic animals.

(2) A cemetery shall be located so as to provide direct access from an arterial or collector street that the MPC determines is adequate to serve the size of the facility proposed.

(3) Any new cemetery shall be located on a site containing not less than 25 acres.

(4) All buildings, including, but not limited to mausoleums and maintenance buildings, shall be set back a minimum of 100 feet from all lot lines.

(5) All graves or burial lots shall be set back a minimum of 50 feet from all lot lines.

(k) Community Gardens

(1) Community gardens may be allowed as a principal use of any property owned by the City of Mount Vernon or owned by a public utility.

(2) Community gardens may be located as a principal use in an open space area of a PD if the space is maintained by a homeowners' association.

(3) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden, with hours of operation, maintenance and security requirements and responsibilities, and provisions for the distribution of garden plots.

(4) The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file in the offices of the ZEO.

(5) The site shall be designed and maintained so that water, pesticides, and fertilizer will not drain onto adjacent properties.

(6) There shall be no retail sales on site, except for produce grown on the site.

(7) Benches, bike racks, raised/accessible planting beds, picnic tables, garden art, and rain barrel systems are permitted.

(8) The community garden may include one storage shed and one farmers' market per lot (not per individual garden plot) for the purposes of communal storage and/or communal sales of produce that are grown on-site.

(9) Fences and walls shall be subject to the provisions of Section 1109.03.

(l) Fraternal, Charitable, or Service Oriented Club

Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted if the use is allowed as a principal or accessory use in the applicable zoning district and is in compliance with this code.

(m) Nursery Schools and Day Care Centers

(1) Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

(2) No dormitory facilities shall be permitted.

(n) Place of Worship

(1) The principal building shall be set back a minimum of 50 feet from any adjacent lot line that is part of a lot used for residential purposes.

(2) Places of worship may include a dormitory or other forms of housing for the clergy or members of a religious order that work for the subject place of worship (e.g., rectory, convent, etc.) as part of the same lot in the PI District.

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(o) Parking Lot or Garage

(1) Parking garages that are a principal use of a lot in the CB District shall be designed in a manner that complies with the downtown design standards of Chapter 1110: CB District Architectural Standards.

(2) Parking lots that are a principal use of a lot in the CB District shall not have any lot frontage along Main Street or High Street.

(p) Residential Community Center

(1) One residential community center shall be allowed within an individual subdivision or for a multi-family dwelling development that contains 12 or more dwelling units.

(2) Additional residential community centers may be approved as part of a planned development district.

(3) The residential community center shall only be for the use of residents of the individual subdivision, multi-family dwelling development, or PD District, as applicable, and their guests.

(q) Administrative, Business, or Professional Offices

Administrative, business, or professional offices are permitted in the LI and GI Districts if they are a part of operations for another use allowed in the LI and GI Districts.

(r) Adult Entertainment Establishment

(1) Purpose and Intent

A. In enacting these regulations, pursuant to ORC Section 715.55, City Council makes the following statement of intent and findings:

i. Adult entertainment establishments require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of Mount Vernon.

ii. The City Council finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

iii. The concern over sexually transmitted diseases is a legitimate health concern of the City that demands reasonable regulation of adult entertainment establishments by the City in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.

iv. Minimal regulations enacted by the City are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

v. There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.

vi. The City Council desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the City Council seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

vii. The City Council has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of Mount Vernon and that expanded regulation of adult entertainment establishments is necessary.

viii. It is not the intent of the City Council in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

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ix. It is not the intent of the City Council to condone or legitimize the distribution of obscene material, and the City Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

B. It is the intent of the City Council in enacting these regulations to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of the City of Mount Vernon and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within the City. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the City Council in enacting these regulations to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the City Council in enacting these regulations to condone or legitimize the distribution or exhibition of obscene material.

C. Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23, the City Council finds:

i. Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments;

ii. Certain employees of adult entertainment establishments, as defined in these regulations as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments;

iii. Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The “couch dances” or “lap dances” that frequently occur in adult entertainment establishments featuring live nude or seminude dancers constitute or may constitute the offense of “engaging in prostitution” under Section 2907.25 of the ORC;

iv. Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions;

v. Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments;

vi. Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid;

vii. Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities;

viii. The findings noted in divisions i to vii, above, raise substantial governmental concerns;

ix. Adult entertainment establishments have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns; and

x. The enactment of these regulations will promote the general welfare, health, morals, and safety of the citizens of this City.

(2) **<u>Classification</u>**

Adult entertainment establishments include any of the following:

A. Adult arcades;

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B. Adult bookstores, adult novelty stores, or adult video stores;

C. Adult cabarets;

D. Adult motion picture theaters;

E. Adult theaters;

F. Nude or Seminude model studios; or

G. Sexual encounter establishment.

(3) **Locational Requirements**

All adult entertainment establishments shall meet the following location requirements.

A. No adult entertainment establishment shall be established within 1,500 feet of any lot upon which another adult entertainment establishment is located.

B. No adult entertainment establishment shall be established within 1,000 feet of any lot upon which the following uses exist:

i. A place of worship;

ii. A publicly owned active recreational facility or a passive park, open space, or natural area;

iii. A day care center, nursery school, educational institution or cultural institution, whether public or private, governmental or commercial, which use is regularly attended by persons under 18 years of age.

C. No adult entertainment establishment shall be established within 500 feet of any dwelling or boundary of a residential zoning district within the municipal boundary of the City.

D. No adult entertainment establishment shall be established within 200 feet of any boundary of a residential zoning district located outside the municipal boundary of the City.

E. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the premises in which the proposed adult entertainment establishment is to be established to the nearest lot line of a use or zoning classification listed above or another adult entertainment establishment. The presence of a City, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(4) **Development and Operational Standards**

All adult entertainment establishments shall be subject to the following development and operational standards:

A. Shall meet all regulations for other uses in the applicable zoning district.

B. Loud speakers which cause a hazard or annoyance shall not be permitted.

C. Structures should have primary access to a collector or arterial street.

D. No adult entertainment establishment shall be located in any temporary or portable structure.

E. The applicant shall submit evidence to the City of Mount Vernon that all of the applicable State, County and local health district regulations have been satisfied as part of any zoning permit application.

F. No interior portion of the adult entertainment establishment may be visible from the outside, either through windows, doors or any other openings.

G. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.

H. All entrances to an adult entertainment establishment shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.

I. No adult entertainment establishment shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any merchandise, display, decoration, sign, showcase window, or other opening.

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(s) Amusement Arcade

(1) Purpose

The purpose of the regulations on amusement arcades is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of these sections to coordinate the provisions of this chapter with the requirements of Chapter 747, Mechanical Amusement Devices of the Codified Ordinances of Mount Vernon, governing the licensing and regulation of mechanical amusement devices in such manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail.

(2) General Provisions

A. No amusement arcade facility shall be established, operated, or maintained in any place of business or on any premises unless approved as a conditional use in accordance with the provisions of Section 1103.06. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

i. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.

ii. Amusement arcades shall have an adult who is 18 years of age or over on the premises and supervising the amusement arcade at all times during its hours of operation.

iii. Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises.

iv. The interior of the amusement arcades shall provide a minimum area per coin- operated amusement device equal to the size of the device plus two feet of the area on each side plus an area of four feet in front of the device.

v. Prior to the approval of a conditional use the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.

vi. If the place of business or premises for which an amusement arcade is proposed is a free-standing building, the application for the conditional use shall include an approvable exterior lighting plan.

vii. In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises.

viii. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within 500 feet of any adult entertainment establishment, or within 1,000 feet of an educational institution.

ix. The application for the conditional use shall be accompanied by a copy of the applicant's license to operate amusement devices, and a notarized statement that the applicant shall not permit any person 14 years of age or younger to operate any devices on the premises before 3:00 pm on days when school is in session.

B. It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

C. No amusement arcade exhibitor shall permit, on days when school is in session, any person 14 years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 pm. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrousels. Violation of this provision shall be a minor misdemeanor.

(3) Complaints Regarding Amusement Arcades

A. Any resident of the City may submit a written notice of complaint regarding the operation of any amusement arcade to the ZEO. The notice of complaint shall include the name and address of the complainant, the address of the location of the amusement arcade, and the specific reasons why the individual is complaining.

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B. If the ZEO determines, after interviewing both the complainant and the amusement arcade exhibitor, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation of a conditional use, he shall refer the matter to the MPC.

(t) **Animal Boarding Facility or Animal Hospital/Clinic and Animal Grooming**

(1) All structures and outdoor run areas designed to house or accommodate animals, either permanently or temporarily, shall be set back a minimum of 200 feet from all lot lines adjacent to a residential zoning district. All other structures related to the use of the property shall be set back in accordance with the applicable zoning district.

(2) Care and boarding of animals shall be limited to domestic animals and may not include cattle, horses, swine, or other similarly sized animals.

(3) Animal hospitals/clinics and animal grooming facilities shall not include any boarding or kennels except for temporary use during medical treatment.

(4) Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view.

(5) A solid wood fence or masonry wall with a minimum height of six feet shall be constructed where a kennel or animal boarding facility is located adjacent to a residential zoning district.

(6) Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.

(7) The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.

(8) No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.

(u) **Automotive Repair and Service (Minor), and Fuel Stations**

(1) Any repair work on vehicles that do not fall under Class 1, 2, or 3 vehicles, as defined by the Federal Highway Administration (FHWA), shall be defined as “automotive repair and service (major)” and subject to the applicable provisions of this chapter.

(2) The minimum lot area shall be 15,000 square feet with an additional 5,000 square feet required for each service bay over an initial service bay.

(3) Fuel pumps shall be set back a minimum of 20 feet from all lot lines and 100 feet from all adjacent lot lines of lots in residential zoning districts.

(4) Canopies and principal buildings shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent lot lines of lots in residential zoning districts.

(5) Any accessory shall be set back a minimum of 100 feet from all adjacent lot lines of lots in residential zoning districts.

(6) No accessory use shall be located within 25 feet of a gasoline pump island.

(7) All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.

(8) All repair work must be performed in a fully enclosed building.

(9) Activities shall be limited to:

A. The sale of automotive fuel;

B. The servicing of motor vehicles with minor repair work;

C. Washing of vehicles within an enclosed building;

D. The retail sale of vehicle parts and products relating to minor repair work, such as, but not limited to, oil, grease, tires, antifreeze, batteries, and windshield wipers. The storage and sales of such products shall take place entirely within an enclosed building unless in compliance with Section 1108.01(g)(9) on outdoor display and sales.

(10) Any major repair work, including but not limited to, automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as “automotive repair and service (major)” and shall be subject to Section 1105.04(v).

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(11) Vehicles being serviced or awaiting service shall be stored for no longer than seven calendar days on the site if in unenclosed areas or areas not screened along lot lines adjacent to lots in residential zoning district or lots used for residential purposes.

(12) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements.

(13) Outdoor solid waste, storage areas, and recyclable storage areas shall be screened in accordance with Section 1111.07.

(14) Gasoline and other flammable mixtures shall not be used to wash down the premises.

(15) Sanitary drains located on the premises without approved separators in the trap are prohibited.

(16) Upon abandonment of a service station the City Fire Chief shall require that all environmental issues must be addressed including submission of a 'certificate of abandonment approval in compliance with the Bureau of Underground Storage Tank Removal guidelines' from the Fire Marshall of the State of Ohio in duplicate with one copy for records of the City Fire Chief and one copy for records of the City Engineer.

(v) Automotive Repair and Service (Major)

(1) An automotive repair and service (major) establishment shall be subject to the same requirements as an automotive service station (minor) as established in Section 1105.04(u), above.

(2) The principal structure shall be set back a minimum of 150 feet from any lot line of a lot in a residential zoning district. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent lot line in a residential district.

(3) The storage of non-operational vehicles for longer than 14 days shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet.

(4) The use may be subject to additional screening requirements in accordance with Section 1111.07.

(5) Vehicles awaiting repair shall be parked in designated parking spaces and shall not encroach on driving aisles, landscaped areas and drive approaches. No part of the street right-of-way shall be used for parking of vehicles awaiting service.

(6) Damaged or inoperable vehicles shall not be used for storage purposes.

(w) Bed and Breakfast

(1) The building utilized for the bed and breakfast establishment shall have been originally designed as a single-family dwelling structure.

(2) The facility must be operated and managed by the property owner or leaseholder, who must reside on the premises while the bed and breakfast establishment is in operation.

(3) Only overnight guests shall be served meals unless otherwise authorized as part of the conditional use approval.

(4) All activities related to the establishment shall take place within the principal dwelling and not within a garage or accessory building. Furthermore, all access to rooms shall be from within the principal building.

(5) The facility shall be limited to no more than four guestrooms with a maximum guest capacity as determined by fire and building regulations.

(6) There shall be no exterior evidence of the use except that the owner may provide one wall-mounted sign with a maximum sign area of one square foot in addition to any other signs allowed for single-family dwellings in Chapter 1113: Signs.

(7) No building additions or alterations may be undertaken for the sole purpose of expanding the bed and breakfast use unless approved as part of the conditional use review.

(8) A minimum of one off-street parking space for each guestroom and two off-street parking spaces for the resident owner-manager shall be required. All parking areas for five or more vehicles shall meet the applicable standards of Chapter 1112: Parking, Access, and Connectivity.

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(x) Funeral Homes and Mortuaries

(1) In the OB District, the funeral home should maintain a residential architectural appearance that is compatible with surrounding residential uses.

(2) There shall be a minimum lot area of one acre and a minimum lot width of 150 feet.

(3) Vehicular use areas shall be designed to allow for the queuing of vehicles if funeral processions are intended to originate or terminate at the establishment.

(4) One dwelling unit may be provided within the principal building.

(5) All funeral homes shall be located so as to provide direct access from an arterial or collector street.

(6) Cremation services shall be permitted only in the GB, LI and GI Districts and shall be set back a minimum of 500 feet from any lot line adjacent to a residential zoning district.

(y) Live/Work Unit

(1) Any nonresidential use permitted in the applicable zoning district is permitted in the live/work unit.

(2) The unit must be constructed with a complete dwelling unit but residential occupancy of the unit is not required (i.e., the living space could be used as an extension of the nonresidential use area).

(3) The occupant of the dwelling does not have to be the owner, employee, or otherwise related to the nonresidential use located in the same building.

(z) Microbrewery, Microdistillery, or Microwinery

(1) A microbrewery, microdistillery, and microwinery shall be allowed in the CB and GB Districts when the majority of the floor area is dedicated to being used for restaurant service or for the serving of drinks made on site so that the use fits into the retail character of the districts. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

(2) A microbrewery, microdistillery, and microwinery in the LI and GI Districts may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 50 percent of the total footprint of the use. Food service may be included within the 50 percent total footprint. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

(aa) Short-Term Rentals

(1) Purpose and Intent

It is the purpose of this section to exercise of the City's police powers to promote and protect the public health, safety, and general welfare by regulating the use of residential dwellings for short-term rentals. It is further the intent of the provisions to allow the City to monitor short-term rentals to mitigate impacts created by short-term occupancy of these residential uses through the implementation of rationally based, reasonably tailored regulations to protect the integrity of the City's neighborhoods.

(2) Applicability

A. These standards apply to all short-term rentals located in the City.

B. This article shall not apply to any uses listed under the Residential Uses-Group Living heading in Table 1105-1, hotels, bed and breakfasts, or transient uses of property regulated by other specific provisions of the City of Mount Vernon Code of Ordinances outside of this section.

(3) Minimum Standards for Short-Term Rentals

A. Short-term rentals must apply for and receive an approved zoning permit prior to operation.

B. This section prohibits the rental of any short-term rental unit for a time period of less than 24 hours.

C. No dwelling unit that receives low-income or affordable housing grants or credits from the federal, state, or local governments, or that meets any requirement applicable to the property in which the dwelling unit is located related to such low-income or affordable housing grants or credits, shall be permitted as a short-term rental unit.

D. All dwelling units that will be used for short-term rental shall meet all applicable laws related to building, health, or life safety, as may be applicable.

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E. The maximum occupancy of the short-term rental shall be determined by the total of:

i. Two persons per each bedroom with a floor area up to, and including, 210 square feet, plus an additional two persons.

ii. For bedrooms over 210 square feet in area, the occupant load will be determined by the area of the bedroom divided by 70 square feet plus an additional two persons.

F. There shall be no hosting of private parties or special events (e.g., weddings, receptions, and similar gatherings) on the premises of the short-term rental unit that will exceed the maximum occupancy allowed by this section.

G. The following information shall be conspicuously posted in each short-term rental unit:

i. The maximum occupancy of the short-term rental unit;

ii. A copy of the approved zoning permit; and

iii. The name, address, and telephone number of the short-term rental agent that can be contacted 24 hours a day, seven days a week regarding any operational issues with the short-term rental unit.

H. All short-term rentals must pay the Knox County Lodging Excise Tax and Mount Vernon Income Tax.

I. Adequate on-site parking shall be provided in accordance with the following:

i. One off-street parking space shall be required for each bedroom of a short-term rental unit that is leased or rented to individual groups beyond the full-time owner or occupant of the residential dwelling. This shall be in addition to the number of off-street parking spaces required for the residential use in Section 1112.04(a).

ii. If the entire dwelling is leased or rented to one short-term rental occupant and no one permanently resides at the dwelling, no additional off-street parking is required beyond what is required for the residential use.

iii. In all cases, any parking required to accommodate the short-term rental in accordance with this section shall be accommodated off-street, on the same lot as the short-term rental unit.

J. Short-Term Rental Agent

i. The owner of a short-term rental unit shall designate a short-term rental agent on its application for a zoning permit. The owner may serve as the short-term rental agent. Alternatively, the owner may designate another representative as their agent provided that representative is a person who is over the age of 18 years old.

ii. The duties of the short-term rental agent are to:

a) Be reasonably available to handle any problems arising from use of the short-term rental unit;

b) Appear on the premises of any short-term rental unit within eight hours following notification from the City of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the City of Mount Vernon Code of Ordinances or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for revocation of the zoning permit. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place themself in a perilous situation;

c) Receive and accept service of any notice of violation related to the use or occupancy of the premises; and

d) Monitor the short-term rental unit for compliance with this section.

iii. A short-term rental owner may change their designation of a short-term rental agent temporarily or permanently; however, there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the ZEO in writing of the new agent's identity, together with all contact information.

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(bb) Vehicle Washing Establishments

(1) All structures shall be set back a minimum of 50 feet from any residential zoning districts. Any self-service washing establishment or portion of a building used for self-service washing shall be set back a minimum of 150 feet from any residential zoning districts.

(2) In order to prevent excessive pooling of water in the street right-of-way, the facility must be equipped with a dryer or must demonstrate adequate drainage on-site to accommodate all water used for cleaning.

(3) There shall be adequate provision for the disposal of waste water and the prevention of surface runoff.

(4) Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the yard adjoining a residential zoning district.

(5) The use shall be subject to the vehicle stacking space requirements of Section 1112.07.

(cc) Contractor Equipment and Storage Yards

(1) Outdoor storage must be associated with a principal building that contains the contracting or construction business associated with the stored materials.

(2) In the GB District, the majority of storage shall be indoor and any outdoor storage, sales, or displays shall be accessory in nature, as regulated in Section 1108.01.

(dd) Self-Storage Facilities

(1) The leases for all self-storage units shall include clauses related to the following:

A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials is prohibited; and

B. The property may not be used for any uses other than for the storage of unused or seldom used items.

(2) All access to any self-storage facility shall be from an arterial or collector street.

(3) There shall be no retail sales on the property with the exception that the owner or their designee may hold an auction on the site up to four times a year for the purpose of selling goods stored in units.

(4) The Mount Vernon Fire Department shall be provided with 24-hour access to the grounds and buildings. A lockbox or other emergency key access shall be provided for its use.

(5) The outdoor storage of inventory, materials, or merchandise is prohibited. The outdoor storage of vehicles, including recreational vehicles, is permitted in side and rear yards.

(6) Sale, repair, fabrication or servicing of goods, motor vehicles, appliances, equipment, or materials or similar activities shall be prohibited in or from self-service storage facilities.

(7) Self-storage facilities may not be used for residential purposes.

(8) Except for sinks and restroom facilities provided solely for the use of the managers or security personnel of self-storage facilities containing more than 10 individual storage units, neither sinks nor restroom facilities shall be permitted within self-storage facilities.

(9) No storage unit door opening in a self-storage facility (outdoor) shall face a residential district.

(ee) Adaptive Reuse of a Pre-Existing Building

(1) The adaptive reuse of a building that existed prior to the effective date of this code may be considered by the MPC through the conditional use process.

(2) The adaptive reuse of such pre-existing building shall only be allowed where the MPC makes a determination that an existing building on the site cannot be readily used for a principal use that is otherwise allowed in the applicable zoning district, due to the design of the building.

(3) The proposed use of the building shall be limited to principal uses that are specifically allowed in Table 1105-1.

(4) The proposed reuse of the building shall be one that the MPC finds will have minimal impact on the surrounding neighborhood based on the consideration of the conditional use criteria in Section 1103.06(c).

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(5) The adaptive reuse application must demonstrate that the exterior appearance of the building shall not be altered unless otherwise approved by the MPC as part of a conditional use approval. This shall not prevent the applicant from renovating the building so that it complies with all applicable building and fire codes.

(6) If the pre-existing building is demolished or damaged more than 50 percent of the market value of the building, as established by the Knox County Auditor, then the remainder of the building shall be demolished and the adaptive reuse approval shall expire. The MPC may approve an adaptive reuse application where there is to be voluntary demolition of more than 50 percent of the market value as part of a conditional use application for adaptive reuse. After such expiration, only a permitted use in the applicable zoning district may be authorized in accordance with this code.

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1105.05 LOT AND PRINCIPAL BUILDING REGULATIONS

(a) Number of Principal Buildings Per Lot

(1) In the RR, ER, R-1, and R-1A Districts, only one principal building may be permitted on any single lot unless approved as a condominium or as a small-scale planned housing development. There can be more than one principal building on an individual lot in these residential districts if the buildings contain nonresidential uses as may be allowed in the applicable zoning district.

(2) There can be more than one principal building on an individual lot in the R-2, R-3, and R-4 Districts as well as on an individual lot in all nonresidential districts.

(3) Where multiple buildings are permitted on the same lot, all buildings shall be considered as one building for the purposes of determining the front, side, and rear yard setbacks.

(4) The number of principal buildings per lot in a PD District shall be as approved allowed by the approved PD plans.

(5) Where multiple buildings are permitted on the same lot, there shall be a minimum separation distance of 20 feet.

(b) Minimum Lot Area, Street Frontage, and Lot Width

(1) Measurements

A. The area of a lot includes the total horizontal surface area within the lot's boundaries (lot lines).

B. No lot shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this code; and, if already less than the minimum required by this code, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a PD or variance approval.

C. Unless otherwise stated, the lot width is the distance between the side lot lines measured along the minimum front yard setback line. For a corner lot, the lot width is the distance between the street right-of-way line and the side or rear lot line provided that at least one of the lot widths complies with the larger lot width requirements in Table 1105-3.

D. Street frontage shall be measured as the length of the right-of-way line along the front lot line, following the line of any curves, if applicable. The minimum street frontage standard shall only be required for one street frontage in the case of corner lots or double frontage lots.

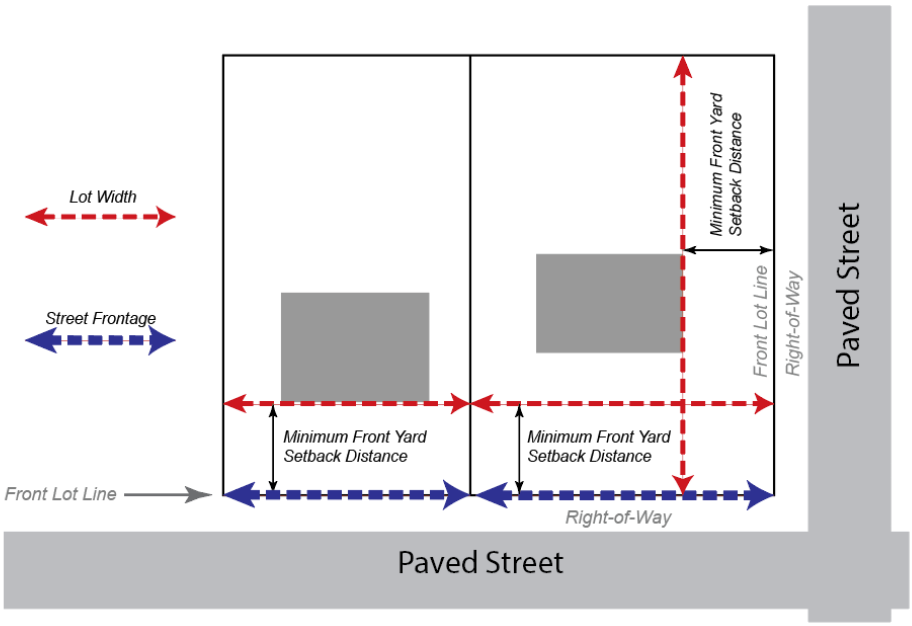

Figure 1105-A: Illustration of the location for measuring the lot width and street frontage on a typical interior lot (left) and on a corner lot (right).

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(2) Lot Area, Lot Width, and Street Frontage Requirements

A. Table 1105-3 establishes the minimum lot area and lot width requirements for individual zoning districts.

B. There are no minimum lot area or lot width requirements for the NC, CB, GB, LI, GI, or PI Districts but such lots shall be of a size large enough to allow for all proposed buildings and required setbacks, off-street parking, loading, and stacking spaces, and all landscaping and screening requirements established in this code. Lots in these districts shall have a minimum street frontage as established in Table 1105-3

C. Minimum lot areas and lot widths in a PD District shall be as established in the PD approval process.

TABLE 1105-3: MINIMUM LOT AREA, LOT WIDTH, AND STREET FRONTAGE REQUIREMENTS

District	Uses	Minimum Lot Area (Square Feet) [1]	Minimum Street Frontage [2]	Minimum Lot Width (Feet)	
				Corner Lots [3]	All Other Lots
RR	All Uses	87,120 (2 acres)	75	250	250
ER	All Uses	15,000	75	120	100
R-1	All Uses	8,500	75	80	75
R-1A	All Uses	5,000	40	50	40
R-2	Two-Family Dwelling	4,500 per dwelling unit	75	80	75
	All Other Uses	8,500	75	80	75
R-3	Single-Family Dwelling	8,500	75	80	75
	Two-Family Dwelling	4,500 per dwelling unit	75	80	75
	All Other Uses	3,600 per dwelling unit or 10,000 for all nonresidential uses	75	100	100
R-4	Single-Family Dwelling	5,000	40	40	40
	Two-Family Dwelling	7,000	50	50	50
	All Other Uses	3,600 per dwelling unit or 10,000 for all nonresidential uses	75	100	100
OB	Single-Family Dwelling	8,500	75	80	75
	Two-Family Dwelling	4,500 per dwelling unit	75	80	75
	Multi-Family Dwelling	3,600 per dwelling unit	75	100	100
	All Other Uses	None	75	None	None
NC, CB, GB, LI, GI, or PI	All Uses	None	75	None	None

NOTES:
[1] Knox Public Health is authorized to require a larger lot area, beyond the requirements of this table, where on-site sewage treatment is required.
[2] The minimum street frontage may be reduced to 40 feet for lots that have frontage on cul-de-sacs or other curved streets.
[3] This lot width shall only apply to one lot width measurement on a corner lot (See Section 1105.05(c)(3)B.). The other lot width shall be required to comply with the minimum lot width for all other lots in this table.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(c) Minimum Setbacks and Yards

(1) Setbacks and Yards Required for Buildings

A. A yard is the open area created by the required setbacks. Where required, a yard for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.

B. While a yard is defined as an open area, certain structures and uses may be permitted in required yards as specified in this code.

C. Where the term "required" is used before any yard type, that required yard shall be the area of the yard between the applicable lot line and the required yard setback distance from the applicable lot line, regardless of the presence of a building. See Figure 1105-B.

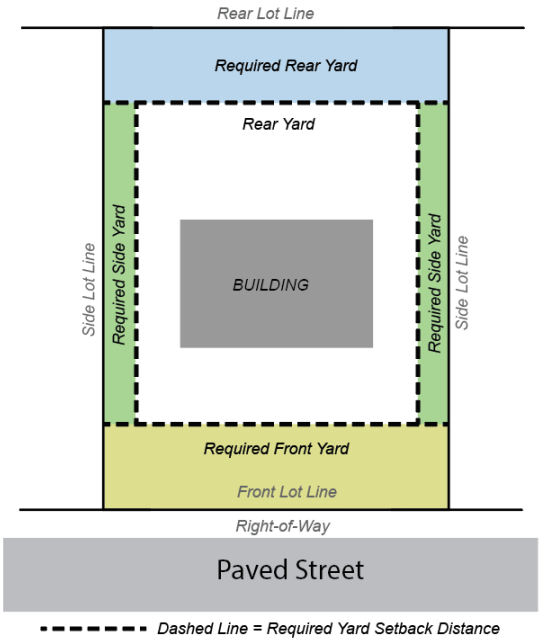

Figure 1105-B: The above image illustrates the use of the term "required yards" on a typical interior lot versus the location of the full front, side, and rear yards as defined in the next sections of this code.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(2) Measurements and Exceptions

A. Setbacks refer to the unobstructed, unoccupied open area between the foundation or base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code.

B. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this code (e.g., nonconforming structures or by variances).

C. Front Yard Exception

Where a principal building is to be constructed on a vacant lot where the next two nearest lots are occupied by buildings of the type and use permitted in the district before the effective date of this code and those buildings front yard setback is less than required by this code, the minimum front yard for the new building may be reduced to the shallowest setback of the existing buildings. In no case shall a front yard setback be reduced to less than 10 feet from a front right-of-way. See example in Figure 1105-C.

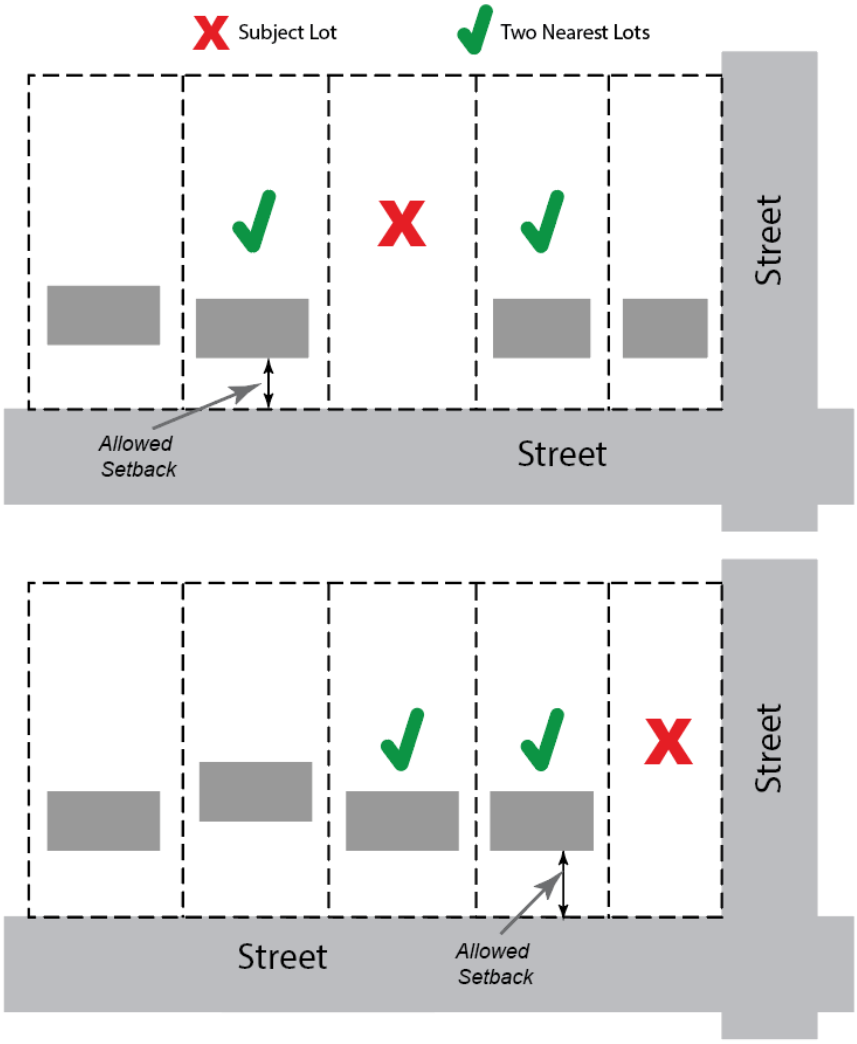

Figure 1105-C: The above image illustrates the use of an allowed, reduced front yard setback when the two nearest lots are occupied by buildings with legal nonconforming front yard setbacks.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

D. Projections into Required Yards

Every part of a required yard shall be open to the sky and unobstructed except:

i. As otherwise provided in this chapter;

ii. For accessory and temporary uses as allowed in Chapter 1108: Accessory and Temporary Uses;

iii. For landscaping as allowed in this code;

iv. For parking and circulation as allowed in this code;

v. For signage as allowed in this code;

vi. Walls and fences as permitted in accordance with Section 1109.03;

vii. For the ordinary projections that are a part or feature of a building which extends or projects outside of the exterior, enclosing facades. It is intended that certain features may project into required yards, but they shall be regulated so as not to substantially interfere with the reception of sun, light, air and the use of adjacent lots as follows:

a) Allowed heating, ventilations, air conditioning, or generator systems;

b) Architectural features such as a belt course, balcony, cornice, gutter or chimney may project into a front and side yard for a distance of two feet;

c) Entrance features such as an open platform, landing, steps, terrace, or other feature not extending above the first-floor level of a building may extend six feet into a front yard and three feet into a side yard.

d) An unenclosed shelter (e.g., entrance hood or open, but roofed porch), open deck, porch, platform, landing, steps, terrace or other feature that is not fully enclosed and does not extend above the first-floor level of a building may extend:

1) Ten feet into the front yard provided such encroachment does not exceed 50 percent of the width of the front building facade;

2) Six feet into a front yard along the entire width of the front building facade; and

3) Three feet into a side yard.

e) An enclosed entry or porch shall not project into any required yard area. See also Section 1108.01(g)(11).

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(3) Lot Configurations and Rules for Setbacks and Yards

A. Interior Lots

i. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See Figure 1105-D.

ii. The lot line located directly opposite the front lot line, shall be the rear lot line and the rear yard setback shall be applied. See Figure 1105-D.

iii. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See Figure 1105-D.

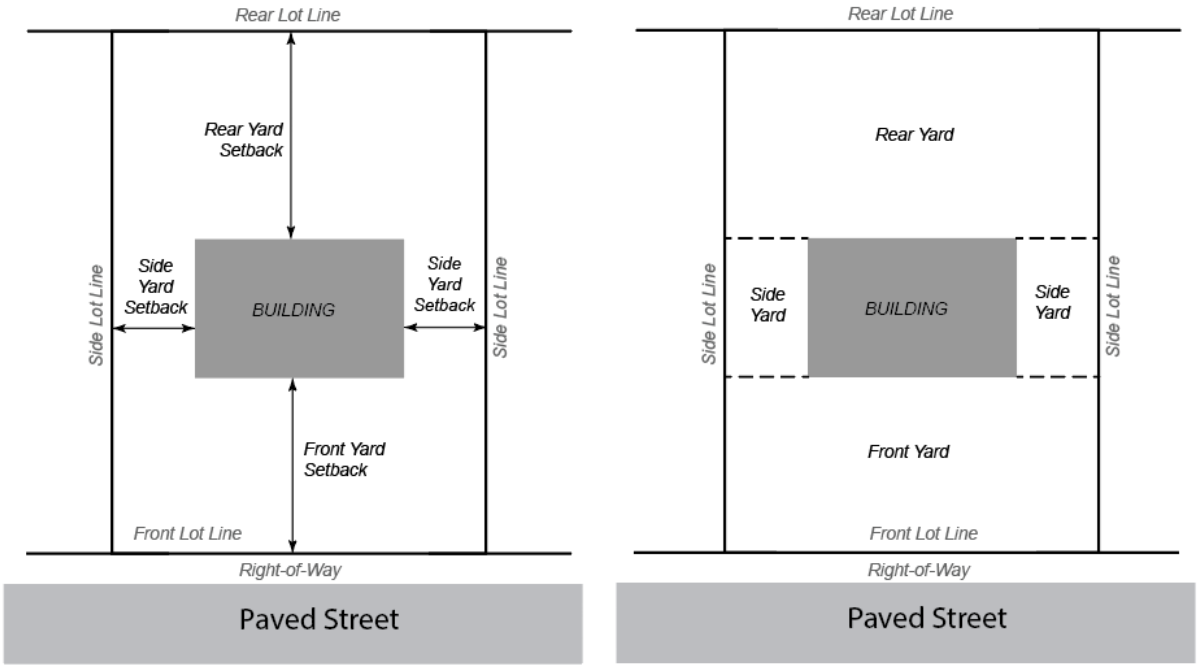

Figure 1105-D: Typical setback and yard locations for an interior lot.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

B. Corner Lots

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

i. Unless otherwise stated, the required minimum front yard setback shall be measured from both street rights-of-way or, where a right-of-way is not identified, the front lot line. See Figure 1105-E.

ii. The lot line that runs parallel with the front facade of the building on the rear of the lot shall be the rear lot line, and the minimum rear yard setback shall be applied from such lot line. See Figure 1105-E.

iii. All other lot lines shall be a side lot line, and the minimum side yard setback shall be applied from such lot lines. See Figure 1105-E.

iv. An alley shall not be considered a street for the purposes of determining a corner lot.

v. Such setbacks and yard locations shall apply, regardless of the orientation of the building.

vi. Buildings on corner lots should be oriented to face the street on which the lot has the narrowest frontage but may also be oriented toward the corner of the lot, in which case, the setbacks and yard locations shall be as illustrated in Figure 1105-F.

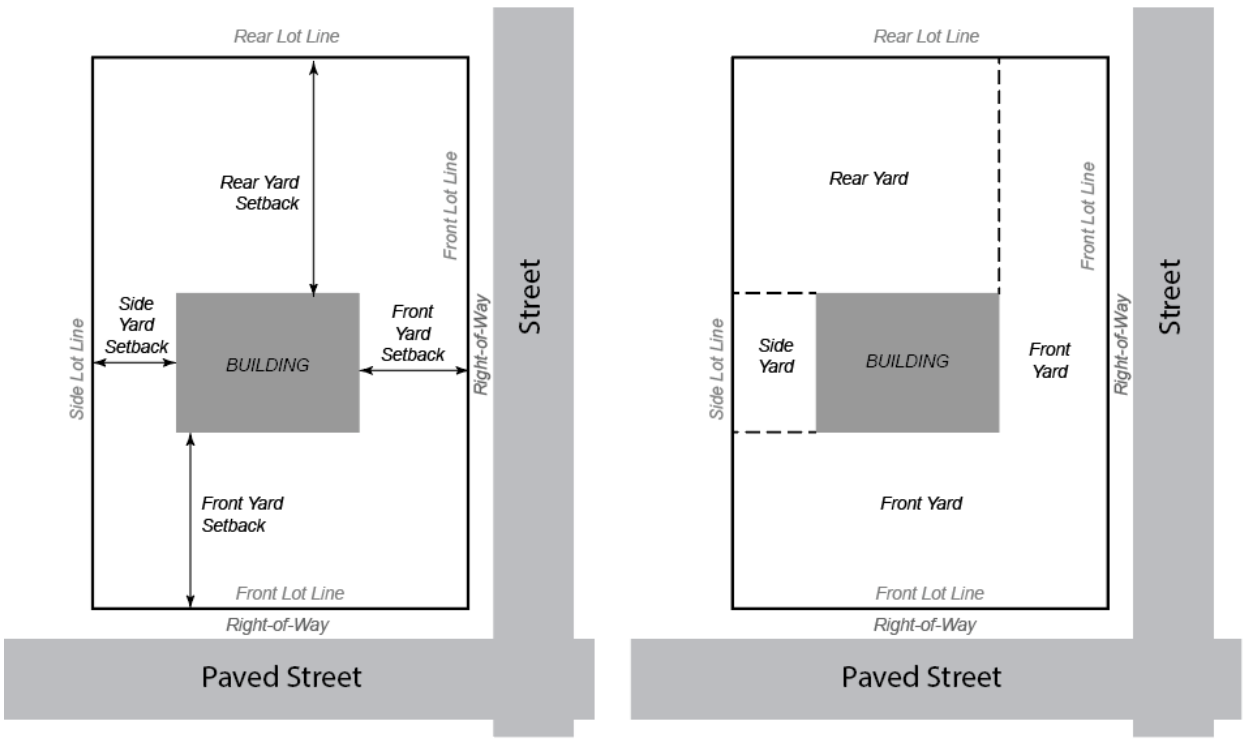

Figure 1105-E: Typical setback and yard locations for a corner lot.

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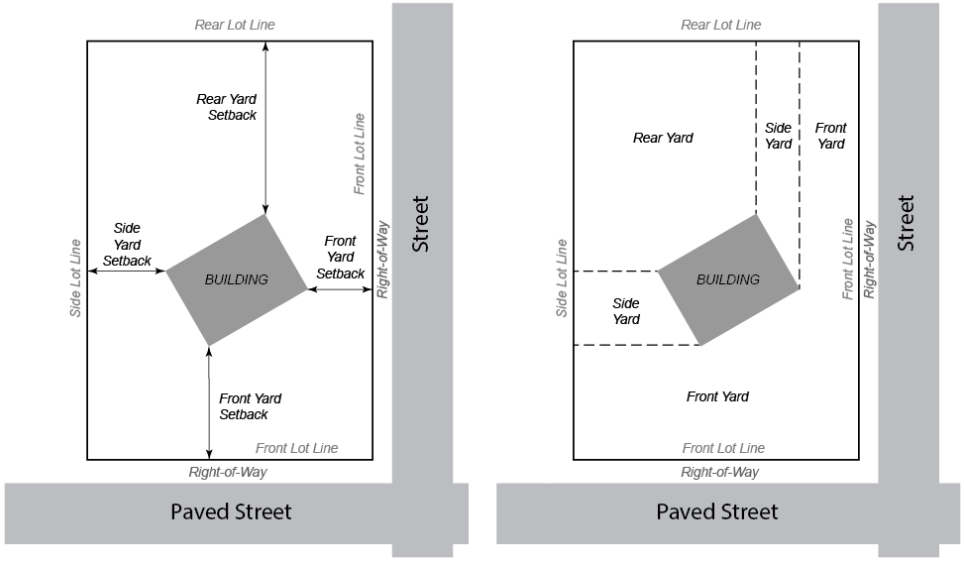

Figure 1105-F: Typical setback and yard locations for a corner lot where the building is oriented toward the corner of the lot.

C. Double Frontage (Through) Lots

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the MPC. Double frontage lots shall be subject to the following regulations:

i. Where a lot is considered a double frontage (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See Figure 1105-G.

ii. Accessory building setbacks in the rear yard may be set back a distance equal to half the required rear yard setback.

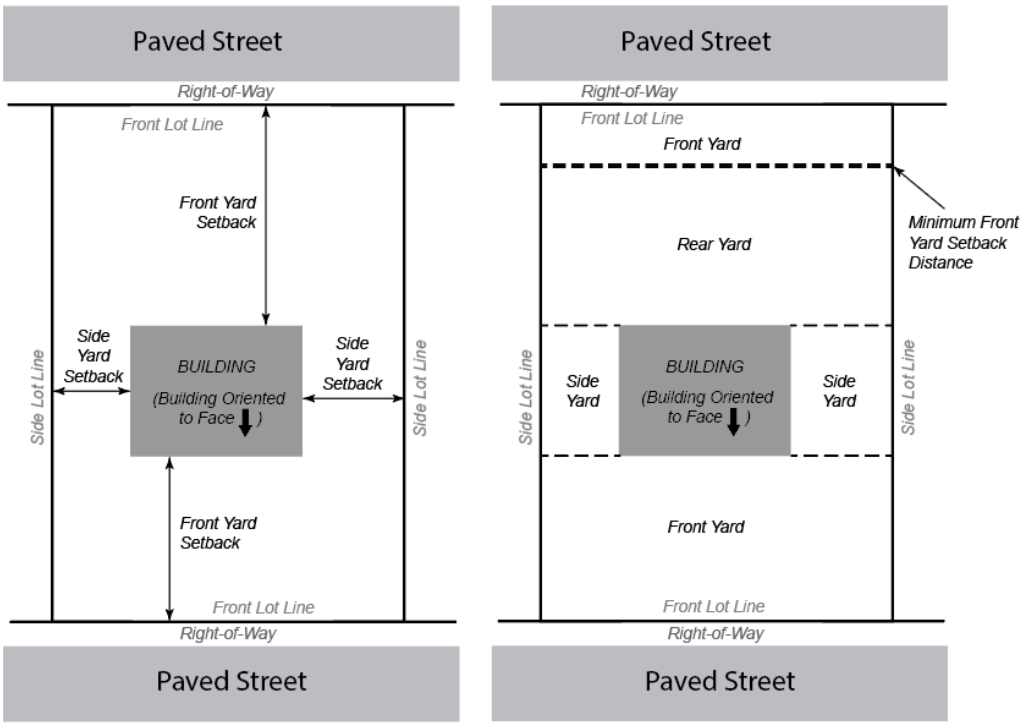

Figure 1105-G: Typical setback and yard locations for a double frontage (through) lot.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

iii. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See Figure 1105-G.

iv. For the purposes of allowing accessory uses and fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of Section 1105.05(c) shall apply to all accessory uses or structures. And the maximum height of fences shall be as allowed in rear yards in Section 1109.03. Such accessory uses or structures shall not be permitted in the required front yard areas adjacent to each street.

v. Where alleys exist in the City, any lots that have frontage along the alley shall not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

D. Panhandle (Flag) Lots

Panhandle (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the MPC. Panhandle (flag) lots shall be subject to the following regulations:

i. Panhandle (flag) lots shall not be used to avoid the construction of a street.

ii. The area of the "panhandle" portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.

iii. The stacking of panhandle (flag) lots shall be prohibited. See Figure 1105-H.

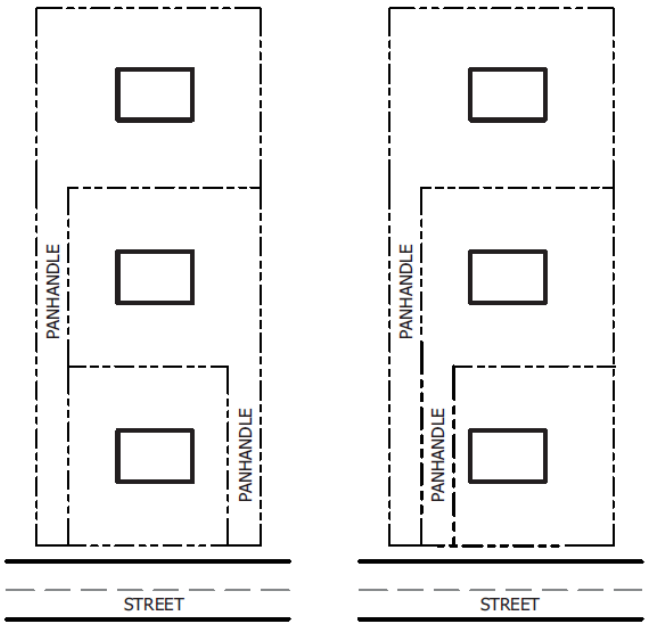

Figure 1105-H: The above illustration shows the stacking of panhandle lots, which is prohibited.

iv. The panhandle shall have a minimum width of 15 feet along the entire width of the panhandle for lots that contain a single-family residential dwelling. The panhandle shall have a minimum width of 25 feet along the entire width for lots that contain any other use. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be consider an interior, corner, or double frontage lot as may be applicable.

v. No structures, except for fences and walls allowed by this code, shall be permitted in the panhandle portion of the lot.

vi. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 1105-I.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Figure 1105-I: Typical setback and yard locations for a panhandle lot.

E. Cul-de-Sac or Curved-Street Lot

i. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See Figure 1105-J.

ii. On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

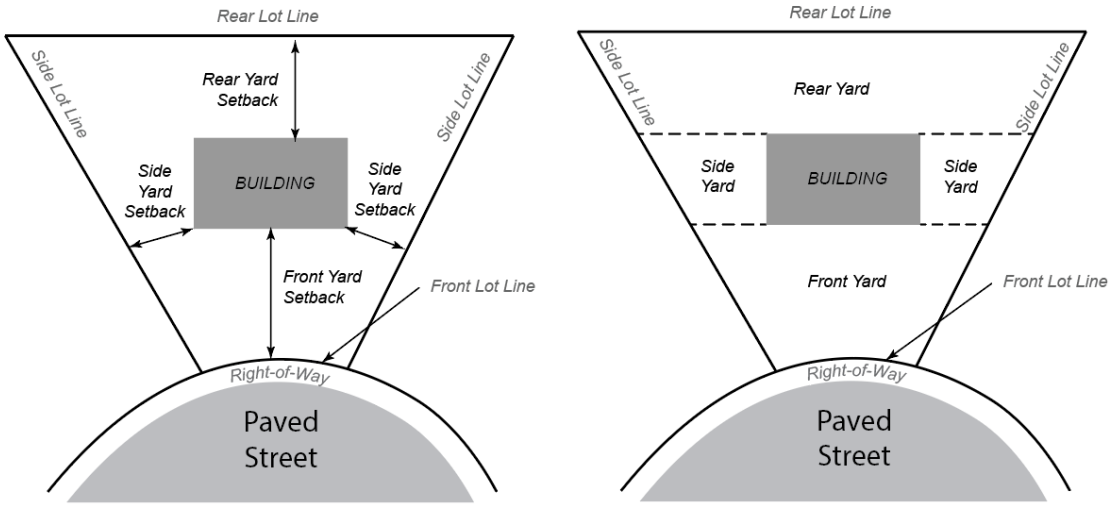

Figure 1105-J: Typical setback and yard locations for a curved street or cul-de-sac.

F. Other Lot Configurations

Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the ZEO shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(4) Minimum Setback Requirements

A. Setbacks required for accessory uses are established in Section 1108.01.

B. Table 1105-4 establishes the minimum setback requirements for principal buildings in all zoning districts.

TABLE 1105-4: MINIMUM SETBACK REQUIREMENTS

District	Setback Requirements (Feet)		
	Front Yard [1]	**Side Yard (Each Side)**	**Rear Yard**
Residential Zoning Districts			
RR	40	25	50
ER	30	10	30
R-1	30	10	30
R-1A	10	5	25
R-2	30	10	25
R-3 and R-4	30	10 for facades without windows or doors. 25 or height of building, whichever is greater, for all other facades	20
Nonresidential Zoning Districts			
NC	30	15 **[2]**	15 **[2]**
CB	0 **[3]**	0 **[3]**	0
GB	30	15 **[2]**	15 **[2]**
OB	30	15 for nonresidential uses 10 for residential uses	15
LI	30	20 when adjacent to nonresidential zoning districts 40 when adjacent to residential zoning districts	
GI	30	15 when adjacent to nonresidential zoning districts 100 when adjacent to residential zoning districts	
PI	30.	15	15

NOTES:
[1] For corner lots, the front yard setback shall be applied to both street frontages as required in Section 1105.05(c)(3)B. However, the front yard setback on the secondary street (side of building) may be reduced by 10 feet.
[2] When lots are adjacent to a residential zoning district, the required setback shall be increased by five feet along the entire lot line that is adjacent to the residential zoning district.
[3] There shall be a maximum front and side yard setback of 10 feet.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(d) Maximum Building Height

(1) Measurement

Where specified in feet, building height shall be measured as the vertical distance from the average grade at the base of the structure to the highest point on the roof, regardless of roof type, excluding architectural features (e.g., vents, cupolas, weather vanes, chimneys, etc.), roof embellishments, or chimney extensions. See Figure 1105-K.

Figure 1105-K: Example of building height measurement.

(2) Exceptions to Height Limits

The maximum height limits established in this code shall not apply to:

A. Spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, towers, water tanks or other tanks for liquids, radio or television antennae, monuments and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building for all nonresidential uses provided the height of the feature does not exceed two times the lot width; and

B. Governmentally-owned freestanding water tanks, towers, radio or television antennae, and flag poles.

(3) Maximum Height Standards

A. Table 1105-5 establishes the maximum building height for principal buildings.

B. The maximum height of accessory structures is established in Section 1108.01.

TABLE 1105-5: MAXIMUM HEIGHT OF PRINCIPAL BUILDING

District	Maximum Height (Feet)
RR, ER, R-1, R-1A, R-2	35
R-3 and R-4	45
NC and OI	35
GB	45
CB	60
LI and GI	60
PI	75

(e) Maximum Building Footprint in the NC District

The maximum square footage of any principal building footprint in the NC District shall be 8,000 square feet.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(f) Minimum Residential Dwelling Size

(1) Calculation

A. The minimum floor area of a dwelling unit shall include all finished and habitable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building.

B. Garages, outdoor patios, porches, or decks, and accessory buildings shall not be included in the minimum floor area of a dwelling.

C. Such requirements shall only apply to single-family dwellings, two-family dwellings, rowhouse dwellings, multi-family dwellings, and dwelling units located in mixed-use buildings. These requirements shall not apply to hospitals, nursing homes, or similar types of residential uses that are institutional in nature.

(2) Minimum Floor Area Requirements

A. The minimum floor area for single-family dwellings shall be 500 square feet.

B. The minimum floor area for all other dwelling units shall be 350 square feet.

C. There shall be no minimum floor area requirement for dwelling units in the CB District.

D. Smaller dwelling sizes may be approved as part of a PD District or as part of a small-scale planned housing development review.

(g) Maximum Lot Coverage

(1) Measurement

A. Where Table 1105-6 establishes that lot coverage is calculated by building footprints, the lot coverage shall be that portion of a lot, which when viewed directly from above, would be covered by the footprints of principal and accessory buildings. Decks, pervious paver blocks, driveways, patios, parking lots, and structures that are not buildings shall not count toward lot coverage.

B. Where Table 1105-6 establishes that lot coverage is calculated by impervious surfaces, the lot coverage shall be that portion of a lot, which when viewed directly from above, would be covered by the footprints of principal and accessory buildings, vehicular use areas, and other surfaces that are impermeable or substantially impervious to water.

C. The ZEO shall have the final determination of what are considered buildings and the total coverage that is considered impervious surfaces.

(2) Maximum Lot Coverage Standards

A. Table 1105-6 establishes the maximum lot coverage for all buildings on an individual lot within the applicable district.

TABLE 1105-6: MAXIMUM LOT COVERAGE

Zoning District	Maximum Lot Coverage	Lot Coverage Calculated By:
RR	30 percent	Building Footprints
ER	40 percent	Building Footprints
R-1 and R-1A	40 percent	Building Footprints
R-2	50 percent	Building Footprints
R-3 and R-4	50 percent	Building Footprints
NC and GB	90 percent	Impervious Surface
CB	95 percent	Impervious Surface
OB	50 percent	Impervious Surface
LI	70 percent	Impervious Surface
GI	85 percent	Impervious Surface
PI	85 percent	Impervious Surface

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1106: Overlay Zoning Districts

1106.01 FLOOD DAMAGE PREVENTION OVERLAY DISTRICT (FDPO)

(a) Purpose

It is the purpose of the Flood Damage Prevention Overlay District (FDPO) to identify areas of special flood hazards areas. It is furthermore the purpose of the district to promote and provide for the proper use and development of lands subject to periodic flooding and to encourage the development of such lands in a manner that will promote the public health, safety and general welfare of the residents of the City. The intent of this district is to secure safety from flooding, minimize flood damage to persons and property, minimize public expenditures for flood relief and flood control projects, and to reduce the height and violence of floods insofar as such are caused by any natural or artificial obstruction. The FDPO is an overlay zone with areas, lines, boundaries, and requirements as separately established under Chapter 1317 of the Codified Ordinances and made a part of this code.

(b) Intent of the FDPO District

The intent of the FDPO District shall be as stated in the purpose statement above and in Chapter 1317 of the Codified Ordinances.

(c) Definitions

Definitions pertinent to the FDPO District shall be those definitions listed under Chapter 1317 of the Codified Ordinances.

(d) Floodplain Development Permits

Floodplain development permits shall be required as stated under Chapter 1317 of the Codified Ordinances and are required in addition to any zoning permits, when applicable.

(e) Appeals And Variances

The procedures for an appeal or variance from the FDPO regulations shall be those set forth in Section 1103.07.

(1) Appeals and variances from the FDPO regulations shall be to the BZA and as additionally provided for under Chapter 1317 of the Codified Ordinances.

(f) Development Standards For Flood Hazard Reduction

Development standards for flood hazard reduction shall be as stated under Chapter 1317 of the Codified Ordinances.

(g) Administration Of FDPO District

(1) Administration of the FDPO shall be as stated under Chapter 1317 of the Codified Ordinances.

(2) The FDPO District shall exist as an overlay zone with boundaries extent, elevations, and other geographic delineation as officially mapped by the Federal Emergency Management Agency for the City of Mount Vernon, Ohio, Knox County, effective date August 2, 1982, Community Panel numbers 390311, 0001-0003, and as subsequently amended. Elevational, flood profiles, flood insurance zone data, discharge data, hydrologic analyses and other engineering, hydrologic, or descriptive information pertinent to the FDPO District shall be as contained in the Flood Insurance Study, City of Mount Vernon, Ohio, Knox County, published by the Federal Emergency Management Agency February 2, 1982, and as subsequently amended.

(3) The City of Mount Vernon may add floodplain areas based on hydrologic engineering studies.

(h) Reports Of Variances Granted

In addition to the other duties of the Floodplain Administrator, they shall report any variances granted from the development standards of Chapter 1317 of the Codified Ordinances to the Federal Emergency Management Agency upon its request.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(i) Provision of Flood Damage Prevention Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provision of Chapter 1317 of the Codified Ordinances shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of the Chapter 1317 of the Codified Ordinances conflict with the requirements of this code, or any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

(j) Violations And Penalties

Violations and penalties shall be as regulated under Chapter 1317 of the Codified Ordinances and 0

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Enforcement and Penalties of this code.

(k) **Fees**

Fees for permits, appeals, amendments, plan approvals and other fees pertaining to the administration and enforcement of Chapter 1317 of the Codified Ordinances shall be regulated under Section 1103.02(g) of this code.

1106.02 HISTORIC OVERLAY DISTRICT (HO)

(a) **Purpose**

The purpose of the HO District is to maintain a high character of community development, to protect and preserve property, to promote the stability of property values and to protect real estate from impairment or destruction of value for the general community welfare by regulating the exterior historical characteristics of structures throughout the hereinafter defined HO District. City Council has hereby declared, as a matter of public policy, that the preservation, protection, and use of areas, places, buildings, structures and works of art in recognized historic districts is a public necessity and is required in the interest of the health, safety and welfare of the people. The purpose of this district is to:

(1) Safeguard the heritage of the City by preserving sites and structures within recognized historic districts which reflect the City's history and its architectural past;

(2) Stabilize and improve property values;

(3) Strengthen the economy of the City;

(4) Protect and enhance the City's attractions to residents, tourists and visitors;

(5) Enhance the visual and aesthetic character, diversity and interest of the past;

(6) Foster civic pride in the beauty and notable accomplishments of the past;

(7) Promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City; and

(8) Preserve sound existing housing stock and safeguard the residential character of primarily residential neighborhoods.

(b) **District Overlay Boundaries**

There is hereby established HO District which shall include all lots and land within the following described areas, as illustrated on the zoning map, and as described in the National Register:

(1) **East Gambier Street District:** Encompassing the addresses from 100 to 519 East Gambier Street.

(2) **East High Street District:** Roughly bounded by East Chestnut Street, South Catherine Street, East Vine Street, and South Gay Street.

(3) **North Main/North Gay Streets District:** Roughly bounded by Curtis Street, North Gay Street, Public Square, and North Main Street.

(c) **Historic Standards and Guidelines for the HO District**

(1) In conducting its review of COA applications, the HRC or ZEO, as applicable, shall make examination of, and give consideration to, the elements of the application including, but not necessarily limited to:

A. The overall height of new construction or additions should relate to the existing building, for additions, or relate to adjacent buildings. As a general rule, new buildings or additions should generally be the same height as the average height of existing buildings within the vicinity of the subject site and within the HO District. The HRC may authorize slightly taller buildings on corner sites to create a focal point for the intersection.

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Figure 1106-A: The top image illustrates buildings that are constructed with appropriate heights and widths relative to the surrounding neighborhood whereas the bottom image illustrates a building that is inconsistent in height and scale.

B. Building massing, which shall include the relationship of the building width to its height and depth, and its relationship to the viewer's and pedestrian's visual perspective, should generally reflect the predominant massing along the same block face, within the applicable HO District;

C. Window treatment, which shall include the size, shape, orientation, and materials of the individual window units and the overall harmonious relationship of window openings shall reflect the typical window treatments of buildings along the same block face, within the applicable HO District;

D. Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs, and the horizontal or vertical expression which is conveyed by these elements, shall reflect the typical exterior detailing of buildings along the same block face, within the applicable HO District;

E. The roof shapes and forms of new buildings shall resemble, but shall not necessarily duplicate, the shape, style, form, and material of roofs for nearby structures.

F. The materials, texture, and the use of color shall reflect the predominant materials, texture, and color found within the historic district. The use of materials, textures, and colors that reflect the original architectural style and era of the building is strongly encouraged;

G. Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details, shall also be considered as it relates to the original design of the structure or the consistency with the architectural style of the building;

H. Freestanding signs be constructed of wood, High-Density Urethane (HDU) foam, or other composite materials that the ZEO determines to have the appearance of wood. The amount, height, and types of signage shall be established in Chapter 1113: Signs, however the HRC or ZEO, as applicable may restrict the use of certain signage materials in an HO District based on traditional signage materials used during the era of when the majority of buildings in the HO District were constructed.

(2) In conducting its inquiry and review, the HRC or ZEO, as applicable may request from the applicant such additional information, sketches and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding the matters under examination. It may recommend to the applicant changes in the plans that it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The HRC shall keep a record of its proceedings and shall append to the application copies of information, sketches and data needed to clearly describe any amendment to it.

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(3) When its review is concluded, the HRC or ZEO, as applicable will determine whether the application for a COA shall be approved in accordance with Section 1103.05.

(d) **Preservation of Property Upon Demolition of a Structure**

(1) Whenever a structure within the HO District is proposed to be demolished, an application for a COA shall be filed with the ZEO as provided in this Section 1103.05. In considering such application, the Historical Review Commission shall limit its inquiry to the proposal for grading, landscaping and other design treatment of the property once the structure has been removed.

(2) Nothing in this section shall be construed to prevent the demolition of a structure whether public or private, within the HO District.

(e) **Repair Or Maintenance Exception**

Nothing in this section shall be construed to prevent any ordinary repair or maintenance of an exterior architectural feature or any ordinary planting and landscaping now in the HO District.

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Chapter 1107: Planned Development Districts

1107.01 PURPOSE

The purpose of the Planned Development (PD) District is to provide a means for encouraging ingenuity, imagination and flexibility in the planning and designing of medium and large-scale developments where traditional base zoning districts may be too restrictive for the range of proposed uses or design. The PD regulations provide a controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements, the intent being to encourage developments that possess greater amenities and/or provide greater environmental protection than standard zoning district requirements. It is not the intent of the PD to allow applications to circumvent the intent of this code or to permit residential density, uses, housing types, or street and utility layouts which conflict with plans and policies adopted by the City, or the character of the area. It is furthermore the purpose of the PD regulations to:

(a) To provide more desirable living, shopping, and working environments by helping to achieve the goals of the City's plans in a manner that allows for the comprehensive review of a medium to large-scale development;

(b) To encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation, and contribute to the overall quality of Mount Vernon;

(c) To provide for a flexible arrangement of buildings, densities and a variety of housing types to meet the needs of the residential market;

(d) To encourage the creation of open space and the development of recreational facilities and neighborhood commercial facilities in a generally central location within reasonable distance of any residential components of the development;

(e) To promote a harmonious design amongst the various elements and uses within the development while mitigating any potential negative impact on surrounding properties;

(f) To allow phased construction with the knowledge that subsequent phases shall be approved as originally planned and approved by the City;

(g) To ensure that there are adequate services and infrastructure to serve the proposed development; and

(h) To reserve adequate land areas for schools, parks and other public uses.

1107.02 SCOPE AND APPLICABILITY

(a) The intent of the PD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. As such, the minimum size of any PD project or plan shall be 20 acres. PD proposals should not be applied to small areas as a means of bypassing traditional district regulations.

(b) An application for a PD of less than 20 acres may be authorized by the MPC if the MPC finds that the PD will:

- **(1)** Contain a residential density that exceeds eight units per acre;
- **(2)** Contain a mixture of land uses where a minimum of 30% of the project area will contain nonresidential uses; or
- **(3)** Contain a mixture of uses and will be located adjacent to the CB District or within 1,000 feet of the CB District, as measured along a legal walking route.

(c) Any PD approved and constructed prior to the effective date of this amendment shall carry forward with the approved plans. All future construction or changes in previously approved PDs shall comply with the applicable approved plan unless a modification is required, in which case, the modification shall be reviewed in accordance with this chapter.

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1107.03 PD REVIEW PROCESS

(a) Ownership

In order to submit an application for PD review, the tract or tracts of land included within the proposed PD shall be in one ownership or control, or shall be subject to a joint application by the owners of all properties included within the proposal. An agent may apply on behalf of an owner if they submit a notarized power of attorney as part of the application.

(b) PD Submission and Review Procedure

(1) Step 1 – Pre-Application Meeting (Optional)

An applicant is encouraged, but not required, to have a pre-application meeting with the ZEO, and additional staff, to informally discuss the application and any concept plans. Such meeting shall be subject to Section 1103.02(f).

(2) Step 2 – Application

The applicant shall submit an application in accordance with Section 1103.02 and the provisions of this section.

(3) Step 3 – Development Plan and Zoning Map Amendment

A. A PD District requires a zoning map amendment to the PD District with an accompanying Development Plan.

B. The procedure for this stage shall comply with the requirements of Section 1103.03.

C. In accordance with the zoning map amendment review procedure, the MPC shall hold a public hearing to review the PD Development Plan and make a recommendation to City Council to approve, approve with modifications, or deny the application. The recommendation shall be made based on review of the application using the criteria contained in Section 1107.04. The MPC may, in its recommendation to City Council, establish a phased development schedule for the future submission of subdivision plats and zoning permits.

D. In making its recommendations or decisions, the MPC and/or City Council may impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards of this zoning code and to any plans adopted by the City. In so doing, the MPC and/or City Council may permit the applicant to revise the plan and resubmit it as the approved PD Development Plan within 60 days of such action.

E. If approved or approved with modifications, the PD Development Plan shall be considered a binding document and all future development shall comply with the approved plan unless modifications are approved, pursuant to this chapter, or the property is rezoned to another zoning district.

(4) Step 4 – Subdivision Plats and Zoning Permit Approval Issuance

Upon approval, the applicant may move forward with subdivision review, if necessary, or zoning permit applications. Such reviews shall be separate from the PD Development Plan review and shall be subject to the procedures of this code.

(c) Time Limit

(1) Any PD Development Plan approval shall be valid for a period of two years after the date of approval by City Council. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on an approved subdivision plat) or start of construction of a building following zoning permit approval. Failure to start construction within two years from the date of approval, such approval shall lapse and be of no force and effect.

(2) Construction of all approved buildings shall be completed within four years of approval. Failure to complete construction within four years from the date of approval, such approval shall lapse and be of no force and effect.

(3) One, one-year extensions of the time limit may be granted by the MPC to extend the start of construction or completion of construction deadlines if the MPC determines that the applicant has moved forward with the development in good faith and such extension are in the best interests of the entire community and just cause is provided. The developer/owner shall apply for an extension and shall state the reason for the extension.

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(4) The above time limits may be adjusted based on an alternative schedule or a phased schedule of development if approved by City Council as part of the PD Development Plan approval.

(5) If the approval of the PD Development Plan lapses, such action shall not rezone the property. After such plans are voided, the MPC, City Council, or property owners may initiate a rezoning to a base zoning district in accordance with Section 1103.03, or the property owner, or their agent, may resubmit a PD Development Plan in accordance with the procedures of this chapter.

(d) Changes to Approved PDs

(1) A PD shall be constructed and completed in accordance with the approved PD Development Plan, including all supporting data and conditions. The PD Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the PD as set forth therein.

(2) Where a property owner on a lot in a PD seeks a variance from the applicable standards for an individual property that will not apply to any other property in the PD, the property owner shall request such variance in accordance with Section 1103.07.

(3) Any request to change or otherwise modify the approved PD Development Plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

A. Major Change

i. Major changes to a PD require the prior approval of the MPC and the City Council in the same process, and with the same hearings, as was used to review the PD Development Plan. The ZEO shall have the authority to determine if a proposed change is a major change. Major changes include, but are not limited to:

a) Expansion of the PD project beyond the original tract coverage;

b) Removal or subtraction of land from the original tract coverage; and

c) Proposed changes that will result in an increase in residential dwelling units of more than five percent of the total dwelling units proposed or an aggregate increase of more than 10 percent in nonresidential square footage.

ii. Changes that require the approval of only the MPC at a public hearing include, but are not limited to, the following:

a) Changes in the relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PD; and

b) Amendments to the conditions that were attached to the PD Preliminary Development Plan or PD Final Development Plan approval.

B. Minor Changes

i. Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PD Development Plan, and which are essentially technical in nature, as determined by the ZEO.

ii. Examples of minor changes include, but are not limited to, changes in the intensity of lighting, changes in the size or location of water and sewer lines within approved easements, and changes in the location or number of fire hydrants.

iii. Additionally, the ZEO shall have the authority to approve structural dimensional changes that do not increase density, that do not change building height by more than 10 feet, or that do not change building or perimeter setbacks by more than 15 feet when necessary to accommodate minor shifts in the location of improvements or infrastructure.

iv. The ZEO shall notify the MPC of all such approved minor changes.

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(e) **Revocation**

(1) In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the phased development schedule, the MPC may, after notice and hearing, revoke the approval of the PD Development Plan. The MPC shall at the same time recommend whether to maintain the PD zoning district or to rezone the properties to another zoning district.

(2) The revocation shall become final 30 days after City Council passes an ordinance to rezone the property to a base zoning district, other than a PD, or a decision by the MPC to revoke the approved plans but retain the PD zoning.

(3) Where the PD zoning remains without an approved PD Development Plan, the property owner or agent shall be required to submit a new PD Development Plan in accordance with the review procedures of this chapter.

(f) **Recording**

The recording of the subdivision related to the PD approval shall be done in the same manner as outlined in Section 1103.10.

1107.04 REVIEW CRITERIA

All PD applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria in the creation of its specific findings when making recommendations and decisions regarding PD applications:

(a) The proposed development is in conformity with the goals, policies, and any applicable recommendation plans adopted by City Council;

(b) The proposed development meets the intent and spirit of this code and all other applicable City ordinances;

(c) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate screening where necessary;

(d) The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;

(e) The proposed development minimizes nuisances between residential areas and other land uses;

(f) The proposed development, while compatible with its surroundings, provides a more diverse environment for living, shopping and/or working than would be possible under strict application of the standard minimum design requirements of other districts provided within this code;

(g) The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, public works, schools, water supply and wastewater disposal due to excessive population densities;

(h) The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;

(i) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which will be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement and densities of land uses;

(j) The internal connectivity will assist in creating safe traffic patterns for pedestrians and cars while also minimizing the need for multiple curb cuts;

(k) The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;

(l) The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning and subdivision requirements;

(m) The proposed development contains such proposed covenants, easements, association by-laws and other such provisions as may reasonably be required for the public health, safety, convenience, comfort, prosperity and general welfare;

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(n) Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as identified on the PD Development Plan. Furthermore, the PD Development Plan shall demonstrate how the open spaces shall be duly transferred and maintained by a legally established homeowners' association or another public or quasi-public agency for preservation and maintenance;

(o) The proposed development is designed in such a way that each individual section of the development as well as the total development can exist as an independent section capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such an objective shall be attained;

(p) Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with the requirements of this code;

(q) The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer; and

(r) The PD plans have been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been reasonably addressed by the applicant.

1107.05 PERMITTED USES

(a) **Principal Uses**

(1) Only those uses listed in this code (See Section 1105.03.), as a permitted use, whether permitted as-of-right, permitted with standards, or permitted as a conditional use, may be considered in the application of a PD.

(2) In general, any standards that apply to a specific use in this code shall also apply to those same uses in a PD. However, the MPC and City Council may adjust or waive any of those use-specific standards (See Section 1105.04.) based on unique circumstances specific to the applicable development.

(3) As part of any approval, the MPC and/or City Council may restrict the uses permitted within an individual PD by adopting a list of uses permitted within the PD, particularly for nonresidential buildings where uses may change in the future.

(4) Any changes in uses within an approved PD shall be required to be reviewed as part of a major PD amendment.

(5) Where residential uses are proposed for a PD, no more than 50 percent of the dwelling units may be single-family dwelling units. A mixture of housing types and sizes is strongly encouraged within every PD to promote housing choice and affordability.

(b) **Accessory Uses**

(1) Unless otherwise allowed for in the approved plans, accessory uses associated with development in a PD shall be allowed in accordance with Section 1108.01.

(2) As part of any approval, the MPC and/or City Council may restrict the accessory uses permitted within an individual PD.

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1107.06 DEVELOPMENT STANDARDS

(a) Lot and Density Regulations

(1) There shall be no minimum lot area for individual lots within a PD. However, the MPC and City Council shall have the authority to restrict densities based on the compatibility of the development with surrounding development, the scale of the overall project, traffic impacts, and recommendations from adopted plans.

(2) The maximum gross density of any PD District that contains residential uses shall be as established in Table 1107-1.

TABLE 1107-1: PD DENSITY ALLOWANCES

Proposed Uses or Location	Maximum Gross Density
Mixed-use buildings in a PD adjacent to the CB District or within 1,000 feet of the CB District	20 units per acre
Mixed-use buildings or residential uses in a PD District that was originally zoned GB or is adjacent to a GB District	16 units per acre
PD Districts where 75 percent or more of the dwelling units will be contained in buildings with 6 or more dwelling units per structure	12 units per acre
All other types of PD Districts	8 units per acre

(3) The PD Development Plan shall illustrate lot areas and setbacks (e.g., building area for each lot) for each lot.

(4) Every building in a PD shall have access either to a street, walkway, or other area dedicated to common use.

(5) In PDs with residential dwelling units, the privacy of future residents shall be assured by yards, creative building arrangements, screening and other design elements.

(b) Design and Development Standards

Where this code provides for design and development standards (e.g., parking, landscaping, architectural standards, etc.) not specifically addressed in this chapter, development within a PD shall comply with the applicable standard found elsewhere in the code, unless modified by the MPC and City Council.

(1) Subdivision Compliance

Unless alternative standards are approved as part of a subdivision modification, all PDs shall comply with the applicable subdivision improvement and design standards established in Chapter 1114: Subdivision Design.

(2) Streets

All streets proposed within a PD shall be public streets, dedicated to the City of Mount Vernon in accordance with the applicable subdivision regulations, unless otherwise approved by the MPC and City Council as part of the PD Development Plan approval.

(3) Landscaping and Screening

A. All uses in a PD shall comply with the applicable landscaping and screening requirements of Chapter 1111: Landscaping and Screening, which shall be established as the minimum landscaping and screening requirements.

B. All development and common open space shall be landscaped according to an overall coordinated plan, utilizing a variety of trees, including evergreen type trees whenever possible to maximize screening potential year-round. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances.

C. The amount of landscaping shall be comparable to the intensity of the development proposed to soften the developed areas. Particular care shall be taken to introduce trees and other landscaping into parking and other paved areas that are sustainable given the proximity to large expanses of pavement.

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D. Outdoor areas or containers holding or storing trash, garbage, recycled or reused materials shall be screened on three sides from adjoining properties, streets and other public areas. Such areas or containers shall be screened in accordance with this code and shall include a decorative gate for access.

E. Project Buffer

i. PDs that contain nonresidential uses or residential uses of a higher density or intensity than of adjacent residential uses shall be required to provide a permanent landscaping buffer consisting of mounding and vegetative plantings sufficient to protect the privacy and amenity of such adjoining areas. The buffer area shall be a minimum of 35 feet in width unless otherwise approved by the MPC and City Council.

ii. The buffer area shall be maintained by the land owner or owners' association in such a manner as to insure its effectiveness.

iii. The project buffer area shall not be included in the calculation for the lot area of any private lot.

(4) Common Open Space

A. Common open space shall be required in all applications where there is a proposed PD that contains any residential uses unless all the residential dwelling units are contained within mixed use buildings.

B. The common open space requirements for a PD shall be based on the proposed residential density and shall be in accordance with Table 1107-2. The MPC and City Council may approve a reduction in the required common open space set-aside area due to proximity to existing parks and permanent open spaces or where a smaller area of open space will result in enhanced amenities for the development and/or City.

C. In the case of phased developments, open space shall be provided in proportion with each developed phase.

TABLE 1107-2: PD COMMON OPEN SPACE REQUIREMENTS

Proposed Residential Density (Gross Density)	Require Common Open Space Set-Aside	
	Minimum % of Improved Open Space	Total % of Open Space
Under 12 Dwelling Units per Acre	5 Percent	15 Percent
12 to 18 Dwelling Units per Acre	7 percent	10 Percent
Over 18 Dwelling Units per Acre	10 Percent	10 Percent

D. Where a minimum percentage of open space is required to be improved open space, that percentage shall be based on the gross site area of the proposed project, including all rights-of-way.

E. The area of improved open space may also count toward the total percentage of open space for the entire project, which shall also be based on the gross site area of the proposed project, including all rights-of-way.

F. Areas Counted as Improved Open Space

For the purposes of complying with this subsection, the following features shall be credited towards the improved open space requirements, if approved as such by City Council in review of the open space:

i. Land occupied by active recreational uses such as pools, ball fields, playgrounds, tennis courts, jogging trails, and residential community centers used primarily for recreation purposes.

ii. Formally planned and regularly maintained open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculpture, and other forms of public art.

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Figure 1107-A: Formally planted areas and gardens can be credited toward improved open space requirements.

iii. Squares, forecourts, plazas, parks, public art, sculpture or fountains or other water features designed in accordance with the standards in this subsection.

iv. Where such features provide a clear community benefit, City Council may credit plazas and sidewalk areas exceeding the minimum sidewalk width requirements that contain at least four of the following features towards the improved open space area requirements:

a) Seating elements;

b) Specialized or decorative paving features;

c) Pedestrian lighting beyond that required to illuminate public rights-of-way;

d) Arcades, canopies, awnings, or overhangs to shield pedestrians;

e) Street furnishings, including but not limited to planters, waste receptacles, bicycle racks, drinking fountains, or shelters for persons utilizing public transit; or

f) Community informational kiosks.

Figure 1107-B: Features such as planters, seating elements, and sidewalk arcades or overhangs can be credited towards improved open space.

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G. Regulations for General Open Space

i. Beyond any open space areas defined as improved open space, the open space may include fields, landscaped areas, natural areas, etc. that are not specifically excluded from the calculation by this chapter (See Section 1107.06(b)(4)H, below). Such spaces shall still comply with all general requirements for open space as established in this chapter.

ii. Stormwater management devices, including retention ponds, and other bio-retention devices, can be counted towards the overall open space requirement when such features are treated as a site amenity and to qualify, they shall support passive recreation uses by providing access, gentle slopes less than three-to-one (3:1), and pedestrian elements such as paths, benches, and similar aspects.

Figure 1107-C: Illustrative example of a stormwater pond designed as a project amenity.

H. Areas and Uses Not Counted as Open Space

The following areas shall not be counted toward compliance with open space requirements:

i. Private and public roads, and associated rights-of-way;

ii. Public or private parking spaces, access ways, driveways, and other vehicular use areas;

iii. Required minimum spacing between buildings and required yard setbacks;

iv. Land that is subject to pre-existing conservation easements or other similar protected open spaces;

v. Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;

vi. Substations or public utility easements;

vii. Dry stormwater detention basins or facilities;

viii. Leftover slivers of land that has no value for development, that is not part of a larger improved open space set aside, and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the MPC and City Council.

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I. Permitted Uses in Open Spaces

The following uses may be permitted in required open space:

i. Areas preserved in their natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented areas;

ii. Outdoor active or passive recreational uses for the use and/or enjoyment of the residents of the proposed development. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the MPC. Where deemed appropriate by the MPC, recreation areas shall be provided with sufficient parking and appropriate access;

iii. Utilized for the raising of crops when authorized in a conservation easement or in the association's covenants and restrictions; and

iv. Any other similar uses approved by the MPC during the applicable review procedure.

J. Design Standards for Open Spaces

Land set-aside as open space shall comply with the following standards:

i. All areas of open space shall be accessible to residents or users of the development by providing at least 10 feet of frontage on a public street.

ii. All areas of the open space shall have a minimum width of 50 feet with the exception of trails and sidewalks that may provide access to the required open space, in which case, those areas of sidewalks and trails may be as narrow as 10 feet in width.

iii. The open space shall be located and designed to the satisfaction of the MPC and shall be sufficiently aggregated to create large areas of planned open space.

iv. The open space shall conserve significant topographic and landscape natural features to the extent practicable.

v. Any area within the open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

vi. All open space required by this chapter, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on all approved plans.

vii. Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

(5) <u>Protection and Maintenance of Common Open Space</u>

Adequate provision shall be made for the long-term maintenance and/or operation of all common open space in accordance with this section.

A. Reclamation of Disturbed Open Space

Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in their natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

B. Future Subdivision and Development of Open Space

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City of Mount Vernon and duly recorded in the office of the Knox County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by a homeowners' association, a land trust or other conservation organization, or by a similar entity recognized by the City of Mount Vernon. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

C. Conservation Easements

With the permission of the City of Mount Vernon, the owner(s) of required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the conservation easements are acceptable to the City of Mount Vernon. When a conservation easement is proposed as the method of restricting further subdivision of land designated as open space, the City of Mount Vernon shall be named as a party to such conservation easement with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

D. Property Owners' Associations

The following shall apply where a property owners' association (including homeowners' associations) will be established to maintain any open space or other common areas as required by this article:

i. A property owners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the open space unless such open space is preserved in another manner allowed by this chapter.

ii. All homeowners' association agreements shall be submitted for approval as part of a zoning certificate, conditional use, planned development application, as applicable. Copies of the proposed covenants, articles of incorporation, and bylaws of the association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a property owners' association shall permit the abrogation of any duties set forth in this section.

iii. All property owners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the City may do any of the following:

a) If the open space or common area is owned by the City, a City-approved land trust or other qualified organization, county, state or park district, the City may remedy the failure to maintain at its own cost and seek reimbursement from the property owners' association, or seek to enforce the property owners' association's duty to maintain through an injunction or any other civil remedy.

b) If the open space or common area exists pursuant to a conservation easement to which the City is a party, the City may seek to enforce the terms of the conservation easement as provided in Section 1107.06(b)(5)C.

iv. If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the City may seek to enforce the association's nonperformance of its obligations and duties through an injunction or any other civil remedy.

(6) Signs

A. Signs shall be integrated into the building and landscaping plans to enhance the overall appearance while providing adequate identification of the development.

B. The requirements of Chapter 1113: Signs, may only be waived as part of the approval of the PD Development Plan when the applicant submits a master sign plan for the entire PD. In such cases, the master sign plan shall allow for an increase of up to 10 percent more total sign area, for each sign allowance, than allowed in Chapter 1113: Signs.

(7) Development Layout

Dwelling units shall be grouped or clustered to provide interest and diversity in the arrangement, maximize privacy, collect and maximize the common open space and promote the individual character and coordinated layout of each lot, cluster and grouping. Streets and cul-de-sacs shall be laid out so as to discourage through and high-speed traffic unless such through street is needed to be in compliance with the approved City plans.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(8) Vehicular Access Points

A. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.

B. Topography, landscaping and existing vegetative clusters shall be utilized as necessary to make the project attractive and provide screening between areas of substantially different character.

C. The street and thoroughfare network shall be designed to minimize truck and through traffic passing through residential areas of the development.

D. A minimum of two ingress and egress points shall be provided for any PD. If a PD is phased, each phase shall have a minimum of two ingress and egress points at the time of construction. A reduction of this requirement may only be allowed if the applicant can demonstrate that a single ingress and egress point will provide for sufficient emergency access and/or evacuation of residents.

E. Where a PD is located adjacent to a vacant lot, connections shall be planned for the future connection to the future development of the vacant lot unless otherwise approved by the MPC and City Council. Where such connections are made, a temporary turnaround may be established and the future connection shall be noted on the PD Final Development Plan and the final subdivision plat. An easement shall be provided on the final plat of the subdivision to keep the land open in perpetuity for the connection.

(9) Circulation Plan

A. The circulation system and parking facilities shall be designed to fully accommodate the automobile with safety and efficiency. Any driveway to arterial and collector streets shall be placed at locations where the traffic can be controlled and operated effectively with the minimum interference with the capacity and flow of the existing streets.

B. An interconnecting walkway system shall be designed to promote easy and direct barrier-free access, using accepted criteria, to all areas of the development in a carefully conceived total service plan while also considering the security of the residents in the design. Wherever possible, the vehicular and pedestrian circulation patterns shall be completely separate and independent of one another.

C. A PD shall consider bicycle plans adopted by the City and/or a regional agency, where applicable, on or adjacent to the site. A component of the bike plan which is proposed within a planned development shall be assured for public access by easements, agreements or covenants as may be appropriate after review by appropriate departments and approval by Council.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1108: Accessory and Temporary Uses

1108.01 ACCESSORY USES AND STRUCTURES

(a) Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

(b) General Provisions

(1) An accessory use or structure shall be secondary and incidental to the primary use of the lot and shall not alter the character of the principal use.

(2) Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.

(3) No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced.

(4) Small accessory structures such as doghouses, mailboxes, lending libraries, benches, garden decorations, bee hives, barbeque equipment, or other similar structures as determined by the ZEO that are not otherwise addressed in this chapter, shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 24 square feet and shall not exceed six feet in height.

(5) An accessory building that is attached to the principal building (e.g., attached garage or attached accessory dwelling unit) shall be considered an integral part of the principal building and shall comply with the site development standards, and all other development standards, of the applicable zoning district. Any accessory building shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or is separated by a breezeway or roof where the separation distance is less than 10 feet.

(6) The accessory use regulations of this chapter shall not apply to any public park lands owned by the City, Knox County, or the State of Ohio.

(7) Unless otherwise specifically stated, accessory uses shall be set back a minimum of five feet from the side and rear lot lines.

(c) Prohibited Structures for Accessory Uses

(1) Unless approved as a temporary use pursuant to this code, accessory structures that are constructed with fabric, canvas, tarpaulin, or other similar materials shall be prohibited. Inflatable garages or storage structures shall also be prohibited. This shall not apply to accessory structures that are constructed of permanent framing but have screening to enclose the structure (e.g., screened in porches).

(2) Portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any residential zoning district or the NC, CB, GB, OB, or PI zoning districts. Temporary storage in portable storage units is permitted in accordance with Section 1108.02.

(d) Accessory Uses in the Planned Developments

(1) The types of accessory uses allowed in a PD shall be considered as part of the PD review. Generally:

A. Accessory uses for single-family residential dwellings shall be those allowed in the R-1 District.

B. Accessory uses for multi-family residential dwellings shall be those allowed in the R-3 District.

C. Accessory uses for commercial uses shall be those allowed in the GB District.

D. Accessory uses for industrial uses shall be those allowed in the LI District.

(2) The MPC and City Council may approve alternative accessory uses and structures within a PD if allowed as part of the PD approval process.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(e) Permitted Accessory Uses

The following is an explanation of Table 1108-1.

(1) The symbols for permitted uses (P), permitted uses with standards (PS) and conditional uses (C) are defined in the same manner as Section 1105.03(c).

(2) A blank cell indicates that a use is prohibited in the respective zoning district.

(3) Yards Permitted

This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards.

(4) Zoning Permit Approval Required

A "Yes" in the "Zoning Permit Approval Required" column shall mean that the applicable accessory structure or use requires a zoning permit in order to be established.

(5) Use-Specific Standards

The numbers contained in the "Use-Specific Standards" column are references to additional standards and requirements that apply to the listed accessory use or structure. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated.

(6) Similar Use Determination and Unlisted Uses

The determination of whether a proposed accessory use or structure is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section shall be made in the same manner as principal uses. See Section 1105.03(e).

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TABLE 1108-1: ACCESSORY USES AND STRUCTURES					
P=Permitted Use	**PS=Permitted Use with Standards**		**C=Conditional Use**	**XX=Prohibited Use**	
Accessory Use or Structure	**RR, ER, R-1, R-1A, R-2, R-3, and R-4**	**NC, CB, GB, OB, LI, GI, and PI**	**Zoning Permit Approval Required**	**Yards Permitted F=Front S=Side R=Rear**	**Use-Specific Standards in Section:**
Accessibility Ramps	PS	PS	Yes	F, S, or R	1108.01(g)(1)
Amateur Radio Antennas	PS	PS	Yes	R	1108.01(g)(2)
Community Gardens		PS	Yes	F, S, or R	1108.01(g)(3)
Day Care	PS	PS	Yes	Interior Use	1108.01(g)(4)
Detached Accessory Buildings including Accessory Dwelling Units	PS	PS	Yes	S or R	1108.01(g)(5)
Drive-Through Facilities and Pick-Up Windows		PS or C	Yes	F, S, or R	1108.01(g)(6)
Home Occupations	PS or C	PS or C	See Section 1108.01(g)(7)	Primarily Interior Use	1108.01(g)(7)
Outdoor Dining		PS or C	Yes	F, S, or R	1108.01(g)(8)
Outdoor Display, Storage, and Sales		PS	Yes	F, S, or R	1108.01(g)(9)
Outdoor Drop-Off Boxes	PS	PS	Yes	S or R	1108.01(g)(10).
Patios, Porches, and Decks	PS	PS	See Section 1108.01(g)(11).		
Playsets, Treehouses and Trampolines	PS		See Section 1108.01(g)(12).		
Rain Barrel Systems	PS	PS	See Section 1108.01(g)(13).		
Raising of Livestock	PS		No	R	1108.01(g)(14)
Recreational Courts	PS	PS		R	1108.01(g)(15)
Retail Commercial Uses		PS	Yes	Interior Use	1108.01(g)(16)
Satellite Dishes	PS	PS or C	See Section 1108.01(g)(17)		
Solar Panels	PS	PS	See Section 1108.01(g)(18)		
Swimming Pools, Wading Pools, and Hot Tubs	PS	PS	Yes	S or R	1108.01(g)(19)

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(f) Accessory Uses in the R-MH District

(1) Each mobile home pad or lot in an R-MH District may have any of the following accessory uses provided they comply with the use-specific standards of Section 1108.01(g):

A. Accessibility ramps;

B. Amateur radio antenna;

C. One detached accessory building with a maximum size of 240 square feet that complies with Section 1108.01(g)(5);

D. Type B family day care homes (See Section 1108.01(g)(4).);

E. Home occupations;

F. Patios, porches, and decks;

G. Playsets, treehouses and trampolines;

H. Rain barrel systems;

I. Satellite dishes; and

J. Hot tubs.

(2) Each mobile home park in an R-MH District may have one accessory building that does not exceed 1,500 square feet that can serve as a community center, leasing office, or other use that serves the mobile home park.

(3) Each mobile home park in an R-MH District may also have any of the following provided they comply with the use-specific standards of Section 1108.01(g):

A. A community garden;

B. A community swimming pool; and

C. Recreational courts.

(g) Use-Specific Standards for Accessory Uses and Structures

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section 1108.01(b).

(1) Accessibility Ramps

A. Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

B. Such ramps shall be an open structure, without a roof. Accessibility ramps that have roofs shall be subject to the setbacks applicable to the principal building.

(2) Amateur Radio Towers and Antenna

A. No more than one amateur radio tower and/or antenna shall be permitted on each lot.

B. Such tower shall not exceed 65 feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.

C. Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.

D. Antennas that are attached to a building or other permitted structure shall not have a height that exceeds 10 feet above the height of the building or permitted structure.

E. When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.

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F. Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval (See Section 1103.06.). The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to them by the FCC or the State of Ohio by license or law. If the MPC determines that expertise beyond that of City staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the City for any expenses necessary for hiring a third-party consultant to make this determination.

(3) Community Gardens

A. Community gardens may be allowed as an accessory use when associated with a public or institutional principal use (e.g., religious institution or educational facility).

B. Community gardens may be allowed as an accessory use to a residential community center of a PD if the space is maintained by a property owners' association.

C. Community gardens shall be subject to the same standards as community gardens in Section 1105.04(k).

(4) Day Care

A. Type B family day care homes are permitted when accessory to any single-family dwelling unit, regardless of the applicable zoning district.

B. Day care facilities (e.g., day care centers and nursery schools) that do not qualify as Type B family day care homes and that are licensed by the State of Ohio are permitted in residential zoning districts when accessory to a permitted nonresidential use. Such facilities may also be permitted as an accessory use to any principal use in a nonresidential zoning district.

C. The facilities shall be located within the interior of the principal building but outdoor play areas are allowed as part of the accessory use but such play areas shall be in the side or rear yards only.

(5) Detached Accessory Buildings

The following detached accessory building regulations shall apply to buildings in residential zoning districts. Detached accessory buildings in nonresidential are permitted provided they meet the setback requirements for principal buildings in the applicable zoning district and are located in a rear yard.

A. Detached accessory buildings in residential districts include detached garages and carports, detached accessory dwelling units, detached yard or storage barns, gazebos, pergolas, and other similar buildings, as determined by the ZEO.

B. Detached garages and carports shall be served by a driveway.

C. Detached accessory buildings shall include accessory structures that are enclosed, regardless of the materials used for enclosure including, but not limited to, screen porches, hoop houses, and greenhouses.

D. Each lot may have up to two detached accessory buildings. Only one detached accessory building on any lot may exceed 240 square feet.

E. The floor area of any single accessory building shall not exceed the floor area of the principal building's footprint.

F. In no instance shall the combined total floor area of all principal buildings and detached accessory buildings, as measured by the outside boundary of the buildings' footprints, exceed the lot coverage established in Section 1105.05(g).

G. The maximum height of a detached accessory building shall not exceed the height of the principal building. A taller accessory building may be permitted if approved as a conditional use.

H. Accessory buildings shall be set back a minimum of five feet from side and rear lot lines. In the R-1A District, where detached accessory buildings on lots along the same block face have narrower setbacks from the side or rear lot lines, a new detached accessory building on a lot may be set back an average of the setbacks for accessory buildings along the same block face.

I. Detached accessory dwelling units shall comply with the following:

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

i. There shall be a maximum of one accessory dwelling unit on a lot.

ii. The minimum floor area of an accessory dwelling unit shall be 220 square feet.

iii. No additional parking shall be required.

J. Detached accessory buildings shall be constructed of traditional building materials and not scrap materials, untreated wood, or other similar materials not commonly found on principal buildings, as determined by the ZEO.

(6) Drive-Through Facilities and Pick-Up Windows

A. The following standards shall apply to businesses that contain a drive-through facility regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

i. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential dwelling unit.

ii. All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent practicable, and shall not cross, interfere with, or impede any public right-of-way.

iii. Drive-through facilities shall be required to include vehicle stacking spaces as established in 1112.07.

B. The following standards shall apply to pick-up windows where there is no vehicular access to the window.

i. Pick-up windows are a permitted accessory use in connection with any restaurant, microbrewery, microdistillery, microwinery, pharmacy, or similar uses as determined by the ZEO. Such use will require a zoning permit.

ii. Pick-up windows, and other objects associated with the pick-up window, shall not cross, interfere with, or impede any public right-of-way.

C. Drive-through facilities and pick-up windows may only be allowed in the CB District when approved as a conditional use and when accessory to a restaurant, financial institution, or other use where the majority of services are provided to customers indoors (e.g., no stand-alone ATMs, coffee kiosks with no seating, etc.).

(7) Home Occupations

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.

A. General Standards

i. Home occupations shall not be defined to include remote office work where a person is undertaking basic office work within the home, but the primary business operations are outside of the dwelling.

ii. Home occupations are permitted as accessory uses in nonresidential districts if they are accessory to a permitted residential dwelling unit. Such home occupations shall be subject to the provisions of this section.

iii. The home occupation shall be clearly secondary to the full-time use of the property as a residence.

iv. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.

v. The sale of goods or services shall be limited to:

a) Products that are produced or processed on the premises; or,

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

b) The sale of goods as part of a mail order, online business, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) where there is no stock-in-trade on the site.

vi. No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.

vii. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

viii. Only residents of the dwelling shall operate the home occupation unless the resident and home occupation owner obtain a conditional use approval.

ix. The operator of a home occupation in a rental unit shall be able to demonstrate that the property owner has authorized the use of the unit for a home occupation.

x. There shall be a maximum of two home occupations permitted on any lot.

xi. Home occupations are permitted to take place within the principal dwelling unit or a detached accessory building.

xii. No more than 25 percent or 500 square feet of the conditioned floor area (i.e., improved with heating and ventilation) of the dwelling unit shall be devoted to such home occupations.

xiii. There shall be no signs other than the wall signs allowed on a dwelling in Section 1113.02(g).

xiv. No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.

xv. Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.

xvi. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.

xvii. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the ZEO and the permit revoked in accordance with Section 1103.08(h).

B. Prohibited Home Occupations

The following are business activities that are prohibited as home occupations:

i. Animal hospitals and boarding facilities;

ii. Automotive and other vehicle repair and service, except when such repair or service is on vehicles owned or leased by the occupant of the dwelling units.

iii. Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;

iv. Fitness/health facilities that provide group activities or services;

v. Medical clinics, laboratories, or doctor's offices;

vi. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the home owner or tenant;

vii. Uses that require explosives or highly combustible or toxic materials;

viii. Welding and machine shop operations;

ix. Wood cutting businesses; or

x. Other similar uses as determined by the ZEO.

C. Home Occupations Permitted with a Zoning Permit Approval

The following home occupations are examples of those that may be allowed with a zoning permit provided they comply with this code:

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

i. Handcrafts as well as arts and craft work including, but not limited to baking, ceramics, soap making, candy or snack making, jewelry making, pottery, painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;

ii. Businesses that are office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, realtor, consultant, counselor, insurance agent, planner, tutor, or writer provided no clients meet at the dwelling;

iii. Other similar uses as determined by the ZEO.

D. Home Occupations Permitted with a Conditional Permit

The following home occupations are examples of those that may be allowed with a conditional use approval provided they comply with this code:

i. Any home occupation that provides services where members of the public visit or enter the premises if designed to accommodate one customer at a time and which meets all other applicable requirements for home occupations including, but not limited to, fitness/health training, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy;

ii. Home occupations of a type otherwise allowed by these regulations that employ people who do not reside within the home;

iii. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.); and

iv. Other similar uses as determined by the ZEO.

(8) <u>Outdoor Dining</u>

A. Outdoor dining areas shall be located either along a sidewalk adjacent to the principal building to which the outdoor dining is connected, or between the principal building and an adjacent parking area.

B. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the dining area and the principal building.

C. Outdoor dining areas shall not be located within 10 feet of a fire hydrant, fire department standpipe connection, fire escape, bus stop, loading zone, mailboxes, or traffic signal stanchions.

D. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.

E. Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall only be authorized if approved as a conditional use.

F. If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of five feet of clearance adjacent to the dining area to allow for safe pedestrian circulation. Furniture or elements of the outdoor dining shall also not block any areas of ingress or egress from the principal building.

G. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.

H. Enclosing outdoor dining areas, either by a permanent roof or by expanding the existing structure, shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning permit approval.

I. Where an outdoor dining area is located in a right-of-way, the permittee shall hold harmless, indemnify, and defend the City of Mount Vernon from and against any and all injuries, deaths, losses, damages (consequential and otherwise), claims, suits, liabilities, judgments, costs and expenses, and reasonable attorneys' fees, which may in any way arise out of or be connected with such outdoor dining, and which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees. The applicant shall be required to sign an indemnification statement on the application for a zoning permit approval.

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J. The City shall have the right and power, acting through the ZEO to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area.

K. Outdoor dining areas that are located on an elevated deck or on a rooftop are not subject to these standards except for Paragraph 1108.01(g)(8)E related to outdoor entertainment.

(9) Outdoor Displays, Sales, or Storage

A. Permanent areas for outdoor displays, sales, or storage shall be identified on plans submitted as part of a zoning permit application.

B. Temporary sales and storage are regulated in Section 1108.02.

C. Such uses shall not be placed within the street right-of-way or in a location which will interfere with the vision clearance requirements. Such uses shall not be placed within or across interior drives unless designed in a manner that will not interfere with traffic circulation or emergency vehicle access.

D. Outdoor displays, sales, and storage shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays, sales and storage shall be prohibited when the principal building is vacant.

E. Outdoor displays, sales, and storage areas shall not cover an area more than 20 percent of the lot area.

F. Outdoor displays, sales, and storage areas may be permitted in the front yard provided that the merchandise is displayed along a private sidewalk or walkway adjacent to the building.

G. Outdoor displays, sales, and storage areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.

H. The placement of the merchandise, signage, or other operations (such as queuing, loading, etc.) shall not interfere with vehicular movement or pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway, or more if required by ADA, shall be clear of merchandise to allow for safe pedestrian movement.

I. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

J. The outdoor display, sales, and storage areas shall be maintained in good order and appearance.

(10) Outdoor Drop-Off-Boxes

A. No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required intersection visibility requirements in Section 1109.01.

B. The facility or equipment shall be maintained in good operating order and appearance.

C. Outdoor drop-off boxes shall only be permitted in the nonresidential zoning districts. They may be permitted in residential districts only when accessory to a permitted nonresidential use.

D. The container shall be emptied at least once every week. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the ZEO at the expense of the property owner or business owner.

E. Drop-off boxes shall include the name and contact information of the person who owns or maintains the box.

F. Up to two drop-off boxes are permitted on any lot.

G. The City shall have the authority to place more than one drop-off box on a single lot when providing recycling services to the general public.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(11) Patios, Porches, and Decks

A. The establishment or expansion of a patio, porch, or deck shall require an approved zoning permit.

B. Patios without a roof, building, or structure are permitted in any yard. Where a building or structure is placed on a patio, such building or structure may only be located in the yards where those buildings or structures are permitted.

C. The edge of any patio shall be set back a minimum of five feet from any lot line.

D. Patios in the front yard shall not cover more than 50 percent of the front yard and shall not allow for vehicular parking.

E. Decks and porches that are attached to the principal or accessory building shall comply with the minimum setback requirements for principal buildings in the applicable zoning district, whether enclosed or not. Detached decks shall be set back a minimum of five feet from the rear and side lot lines.

F. Patios, decks, and porches may have built-in grills, kitchen areas, or living areas but such activities shall be permitted in the rear yard only provided such use complies with any applicable building code requirements.

G. Patios, decks, and porches may have seating in any yard in which the patio, deck, or porch is permitted and located.

H. Rooftop decks in nonresidential districts shall be regulated as part of the principal building.

(12) Playsets, Treehouses, and Trampolines

A. If a playset or treehouse has more than 100 square feet of enclosed play area, the use shall require a zoning permit and shall be reviewed in the same manner as a “detached accessory building.” As such, any playset or treehouse that has more than 100 square feet of enclosed play area shall also count toward the maximum floor area and lot coverage standards in this code. Such area shall be measured by the smallest square or rectangle around the bottom of the playset or treehouse.

B. Treehouses, trampolines, enclosed play areas, and permanent playsets shall be located in the side or rear yard only.

(13) Rain Barrel Systems

The installation and use of a rain barrel system shall be subject to the following development and design standards:

A. For the purposes of this section, a rain barrel system shall include any container that is designed and used to collect rainwater from a collecting structure (e.g., any house, garage, building, or canopy from which rainwater is diverted for collection in the rain barrel).

B. Rain barrel systems are permitted in any zoning district except in the CB District.

C. Rain barrel systems do not require a zoning permit provided they comply with this section.

D. The maximum size of any individual rain barrel container shall not exceed 65 gallons in any residential zoning district or 100 gallons in any nonresidential zoning district.

E. A rain barrel shall not extend more 36 inches from the building face of the primary or accessory structure that serves as the collection structure.

F. Rain barrels shall be placed on the ground or on a structure provided the top of a rain barrel shall not exceed six feet in height above the grade underneath the rain barrel.

G. Rain barrels shall be properly maintained so as to minimize mosquito breeding or infestations.

H. A rain barrel may be located in any yard subject to the following standards:

i. Front Yard Standards

The following standards apply to rain barrels placed in the front yard of a lot:

a) No more than two rain barrels shall be placed in any front yard.

b) Corner lots maintaining two front yards shall contain no more than two rain barrels total for both front yard areas.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

c) Any rain barrel proposed to be located in a front yard shall only be permitted if approved as a conditional use where the MPC shall take into consideration adequate controls for placement and screening.

ii. Side Yard Standards

The following standards apply to rain barrels placed in the side yard of a lot:

a) No more than two rain barrels shall be placed in any side yard.

b) Rain barrels located in any side yard shall be screened from view from a public street utilizing solid screening. The solid screening may include screening through by placement behind an architectural feature of the building (e.g., wing wall or building offset) or through the use of an approved opaque fence, wall, hedge, or other form of landscaping. The ZEO shall have the authority to approve the screening.

iii. Rear Yard Standards

The following standards apply to rain barrels placed in the rear yard of a lot:

a) The number of rain barrels located in a rear yard shall be unlimited.

b) Rain barrels located in any rear yard shall be screened from view from a public street utilizing solid screening. The solid screening may include screening through by placement behind an architectural feature of the building (e.g., wing wall or building offset) or through the use of an approved opaque fence, wall, hedge, or other form of landscaping. The ZEO shall have the authority to approve the screening.

(14) Raising of Livestock

A. Property owners are permitted to raise and keep livestock as an accessory use to any single-family dwelling in accordance with the provisions of this section.

B. Small livestock shall be considered to be chickens, rabbits, or other similarly small livestock as determined by the ZEO.

TABLE 1108-2: LIVESTOCK ALLOWANCES AS AN ACCESSORY USE

Livestock Size	Minimum Lot Area	
	Less than Two Acres	Two Acres or Larger
Small Livestock	6 animals	6 animals per acre
Large Livestock	None	1 animal per three acres

C. The housing enclosure for all livestock shall be of a size sufficient for the number and types of animals to be maintained on the lot.

D. There shall be an outdoor area that is appropriately fenced to prevent the animals from leaving the lot;

E. Housing enclosures and fenced outdoor areas shall be located in the rear yard only.

F. In all residential districts except the RR District, the housing enclosure and fenced outdoor areas for large livestock shall be set back a minimum of 100 feet from the nearest lot line that contains a residential use.

G. The housing enclosure and fenced outdoor areas for small livestock shall be set back a minimum of five feet from the nearest lot line that contains a residential use.

H. All animal feed shall be kept in a predator-proof/rodent- proof container.

I. Waste material must be disposed of in a manner that will not cause odor, or attract flies or vermin.

J. All areas where livestock animals are kept shall be maintained to be neat and clean and free of undue accumulation of waste such as to prevent odors detectable on adjacent property.

K. The owner or occupant of the lot where livestock animals are maintained shall ensure that their animals are cared for properly when ill, and disposed of in a manner that does not endanger the public health and safety if the animals die.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

L. The slaughtering of animals is prohibited on the lot except for the personal use of the owner.

(15) Recreational Courts

Outdoor tennis courts, basketball courts, and courts for other sports, including pickleball and racquetball, that are accessory to a residential or nonresidential use shall comply with the following requirements:

A. Recreational courts that exceed 900 square feet shall only be permitted on lots with a minimum lot area of one acre. Any court that is 900 square feet or less may be permitted on any lot size provided it complies with all other applicable provisions of this code.

B. The court shall be set back a minimum of five feet from all lot lines.

C. All fencing shall be subject to the fence regulations in Section 1109.03 except that fencing that surrounds a tennis or recreational court may exceed the maximum fence height of this code provided that the fencing is located adjacent to the edge of the court.

D. Any lighting for the court shall not exceed 20 feet in height and shall be directed downward and only illuminate the court. All outdoor lighting shall comply with Section 1109.02.

(16) Retail Commercial Uses

A. Retail commercial uses are permitted in the LI and GI Districts provided:

i. The uses are located completely within a principal building of a nonresidential use;

ii. The retail commercial use shall be for the sale of goods and products manufactured on site.

iii. The total floor area of retail commercial uses as an accessory use shall not exceed 15 percent of the total gross floor area of the principal building.

B. Retail commercial uses are permitted as an accessory use to nonresidential uses in all zoning districts provided:

i. The uses are located completely within a principal building of a nonresidential use;

ii. The retail commercial uses provide goods and services to the patrons or visitors of the principal use and is not open to the general public. Examples of such uses include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, and personal services.

iii. The total floor area of retail commercial uses as an accessory use shall not exceed 15 percent of the total gross floor area of the principal building.

(17) Satellite Dishes

A. Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning permit approval.

B. To the maximum extent feasible, the dish should be located in the side or rear yard.

C. Mounting brackets shall be removed whenever a satellite dish is removed.

D. Satellite dishes larger than one meter in diameter may be permitted as an accessory use to a permitted principal use if approved by the MPC as a conditional use in any nonresidential zoning district. A zoning permit shall be required if the conditional use is permitted. Such dishes shall be set back 10 feet from all lot lines.

(18) Solar Panels

A. Freestanding solar panels shall be limited to a maximum height of 10 feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of five feet from all lot lines and shall not cover more than 200 square feet in lot area.

B. Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.

C. Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed 36 inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.

D. Freestanding solar panels shall require a zoning permit. Roof-mounted solar panels or tiles shall not require a zoning permit.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(19) Swimming Pools, Wading Pools, and Hot Tubs

A. No person shall locate, construct, install, alter, use, operate, repair, or maintain any outdoor swimming pool, wading pool, or hot tub except in compliance with the provisions of this section.

B. Indoor swimming pools, wading pools, and hot tubs shall not be subject to the provisions of this code.

C. Temporary or inflatable swimming pools that do not have a pump and that are disassembled and removed during the winter are permitted without a zoning permit but shall comply with the standards of this section.

D. Private wading pools that have a depth of less than 12 inches that are also portable or are temporary are exempt from the provisions of this code.

E. Outdoor swimming pools or wading pools shall be enclosed by a fence or other boundary enclosure not less than 42 inches in height, measured from the ground level, so constructed and of such strength that children under the age of seven years are unable to pass through.

F. The fence or enclosure may surround the pool area or any portion of the yard that contains the pool or hot tub.

G. Access gates into such enclosures shall be self-closing and have a self-latching device. The fence/enclosure shall be equipped with at least one such access gate.

H. Where an above-ground pool structure has walls of a minimum height of 42 inches and is used as a barrier/enclosure or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access.

I. A swimming pool or wading pool may be exempt from the requirements of this chapter if by reason of the physical construction of the pool, adjacent topographic features, surrounding plantings or other unique features limit access to the swimming pool or wading pool and there are appurtenances there to and installed thereon which further limit the accessibility of the swimming pool or wading pool, including, but not limited to, the removal of a ladder and where these additional appurtenances are in effect at any and all times that the swimming pool or wading pool is not attended by a person of not less than fourteen years of age.

J. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties unless otherwise allowed by city ordinance.

K. Hot tubs shall be covered with a lid or cover sufficient to keep out small children and animals when the tub is not in use.

L. All pool equipment and pumps shall be set back a minimum of five feet from all lot lines. Patios that surround a pool shall comply with the setbacks for patios in this code.

M. Nothing in this section shall operate in any manner to impose additional liability or expand the liability of the City, and it is the expressed intention of City Council to restrict any and all liability.

1108.02 TEMPORARY USES AND STRUCTURES

(a) Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or structures are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

(b) General Standards for Temporary Uses and Structures

Temporary uses or structures shall:

(1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, convenience, comfort, prosperity or general welfare;

(2) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;

(3) Not include permanent alterations to the site;

(4) Not violate the applicable conditions of approval that apply to a site or use on the site;

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(5) Not interfere with the normal operations of any permanent use located on the property; and

(6) Contain sufficient land area to allow the temporary use or structure to occur, as well as adequate land to accommodate the parking and traffic movement.

(c) **Permitted Temporary Uses and Structures**

(1) **Construction Structures**

Temporary structures for construction operations are permitted in any district without a zoning permit in compliance with the following:

A. On an individual lot with a residential dwelling, only dumpsters or portable storage structures are permitted for 30 days.

B. For construction of multiple dwelling units in subdivisions, multi-family developments, or new buildings in nonresidential districts, the use of such structures shall be limited to offices, storage, and dumpsters. Such structures shall be permitted to be located on site from the start of construction until the completion of construction. Each structure shall be setback a minimum of 10 feet from any adjacent lot line.

C. No construction structure shall be placed in the right-of-way, on an easement, or in special flood hazard area or other location that will obstruct drainage flow unless otherwise allowed in accordance with Section 357.04 of the Codified Ordinances.

D. The structure shall not block or prevent access to any fire hydrant.

(2) **Temporary Sales Office and Model Homes**

If a temporary sales office/model home is to be located in a subdivision or multi-family residential development, its location shall be indicated on the subdivision plats or zoning permit application, as applicable. The following provisions shall be met:

A. One temporary real estate sales office or model dwelling unit per builder or developer shall be permitted in a section or phase of a new residential subdivision or in any one multi-family residential development.

B. The dwelling shall comply with all of the applicable standards of this code for the final residential use regardless of the temporary use as a sales or leasing office;

C. The sales office/model homes shall be operated by a developer, builder, or sales agent active in the same phase or section where the use is located.

D. The sales office/model home shall be converted into a permanent residential use upon completion of construction and issuance of the permit for the last dwelling or no longer than two years, whichever comes first.

(3) **Temporary Sales**

Temporary retail sales activities, including any related temporary structures, tents and stands, may be permitted in any NC, CB, GB, OB, LI, and GI district under the following provisions:

A. Said temporary sales activities shall not be located within a required yard or public right-of-way except for sidewalk sales as established in this subsection.

B. Sidewalk sales on public sidewalks is permitted provided that the width and placement of the sales shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians. Sidewalk sales are only permitted during the business operational hours and all goods must be removed during the hours the business is closed.

C. The activities shall be located on a paved surface in an area that does not interfere with traffic circulation, intersection visibility, or emergency vehicle access.

D. Temporary sales on unpaved landscaped areas are prohibited.

E. No temporary retail activity or related temporary structure shall occupy more than 25 percent of any paved vehicular use area.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1109: General Development Standards

1109.01 INTERSECTION VISIBILITY

(a) In order to provide a clear view to the motorist there shall be a triangular area of clear visibility that is free of any obstructions where there is an intersection of two or more streets and/or where a driveway intersects with a street.

(b) Where a street intersects with another street, the triangular areas shall be defined by measuring 20 feet from the intersection of the extension of the front and side street curb lines (or the edge of pavement where there is no curb) and connecting the lines across the property. See Figure 1109-A.

(c) Where a driveway or alley intersects a street, the triangular areas shall be defined by measuring 20 feet from the edge of the driveway along the street and 10 feet along the driveway, perpendicular from the street. See Figure 1109-A.

(d) These standards shall not apply to driveways that provide access to any principal use under the "Residential Uses-Household Living" classification in Table 1105-1.

(e) The ZEO may reduce the distance requirement where it is determined that a narrow lot frontage would excessively reduce buildable area.

(f) These standards do not apply in the CB District.

(g) No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the area established above, unless approved by the ZEO. Trees may be located within these areas provided they are pruned and/or the canopy is trimmed to provide clear visibility (with the exception of the tree trunk) up to eight feet above the top of the curb.

(h) Where no curb exists, the height shall be measured from the top of the pavement.

(i) The Ohio Department of Transportation may impose additional restrictions along state or federal routes.

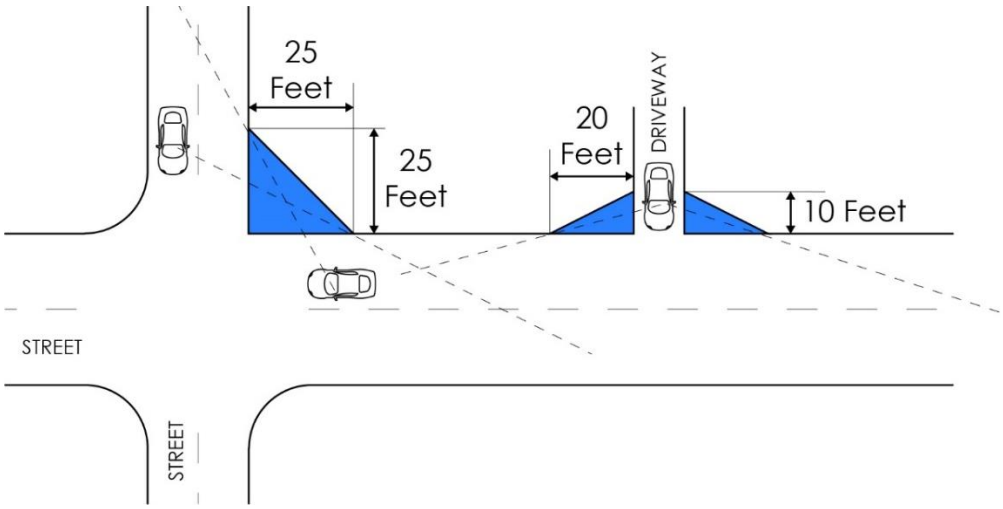

Figure 1109-A: Intersection visibility area for two intersecting streets.

(j) The owner or occupant of property on which there is shrubbery, hedges or trees so located as to affect the vision of drivers on the public streets shall keep shrubbery and hedges trimmed to in accordance with these standards. Where trimming is not done within 10 days after notice by the ZEO, the employees of the City shall enter upon the property and trim the shrubbery, hedges, or trees at the expense of the property owner. Any shrub, hedge or tree found to be located upon public property may be removed by the City at any time.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1109.02 OUTDOOR LIGHTING

(a) Purpose

The purpose of this section is to regulate outdoor lighting elements as they contribute to the identity of a development or project. It is also the purposes of these regulations to ensure the safety of pedestrians while minimizing light pollution and the negative impacts of excessive glare.

(b) Applicability

(1) The standards of this section shall apply to the following development activities:

A. Construction of all new buildings in nonresidential zoning districts;

B. Construction of all new nonresidential buildings in residential zoning districts.

C. Establishment or expansion of any vehicular use areas; or

D. Addition of outdoor lighting fixtures required by this section

(2) The requirements of this section shall not apply for a lighting related to any dwellings with four or fewer dwelling units, however, all lighting for these uses, with the exception of low-voltage landscaping lighting, shall be completely shielded from adjacent properties.

(3) Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements of this section.

(4) Fully shielded decorative lighting attached to a building or placed in landscaping and directed onto a building shall be exempt from the requirements of this section, provided direct light emissions are not intended to be visible above the building line roof. This shall not include decorative lighting used to illuminate a sign, which is regulated by Chapter 1113: Signs.

(5) Light fixtures used to illuminate flags, statutes, and any other objects mounted on a pole, pedestal, or platform shall be exempt from the requirements of this section, provided these objects are illuminated using a narrow cone beam or light fixtures designed to minimize light spillage beyond the illuminated object.

(6) Lighting for certain outdoor recreational uses because of their unique requirements for nighttime visibility and their limited hours of operation. However, such uses, which includes, but is not limited to, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses shall be required to meet the following standards:

A. Cutoff from a lighting source that illuminates an outdoor recreational use may exceed an angle of 90 degrees from the pole, provided that the luminaries are shielded to prevent light and glare to spill over to adjacent residential properties.

B. The maximum permitted illumination at the lot lines shall be two footcandles.

C. Exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m.

(7) Temporary construction or emergency lighting is exempt from the requirements of this section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.

(8) All outdoor lighting fixtures existing and legally installed prior to the effective date of this code, shall be exempt from the requirements of this section. When existing lighting fixtures become inoperative, their replacements shall be subject to the provisions of this section.

(9) Nothing in this chapter shall apply to lighting required by the FAA or any other federal regulatory authority.

(10) The applicant must provide a plan that identifies the location, height, and type of luminaries, and shows how the applicant intends to comply with this section.

(c) Lighting Standards

(1) General Standards

A. All lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.

B. Consistent illumination shall be provided across the site so as not to create dark spots that may create safety issues or to reduce visibility where vehicular use areas cross pedestrian pathways.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

C. All outdoor lighting fixtures regulated according to this section, including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall be full-cutoff type fixtures, unless exempted per Section 1109.02(b).

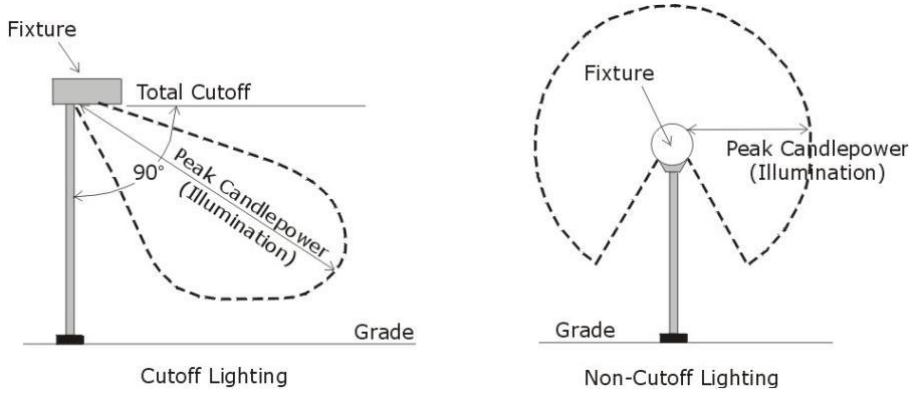

Figure 1109-B: Cutoff lighting fixtures (left) versus non-cutoff lighting fixtures (right).

D. Any use that has a canopy with lighting fixtures attached to the bottom of the canopy shall utilize recessed ceiling fixtures.

E. There shall be a maximum illumination of 0.5 footcandles at the lot line in all residential districts and for any nonresidential use that abuts a lot in a residential zoning district or lot occupied by an existing residential use.

(2) Measurement

A. Light levels shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.

B. Measurements shall be taken at the property line, along a horizontal plane at a height of 3.5 feet above the ground.

(3) Building-Mounted Lighting Standards

A. Lighting may be mounted to a building facade only at entrances, loading/service locations, or for the purpose of accent lighting or illuminating nearby parking areas.

B. Exposed light bulbs are prohibited. The light fixtures shall be a total cutoff fixture (See Figure 1109-B.) but may direct lighting upward or downward.

C. In no case shall a light fixture mounted on a structure be mounted at a height where the fixture will exceed the height of the roofline.

(4) Location and Maximum Height of Light Poles

A. The placement of light poles within raised curb planting areas or landscaped islands should be the priority location, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.

B. The total height of exterior lighting poles shall not exceed the following height regulations. Height shall be measured from the average grade surrounding each light pole:

TABLE 1109-1: MAXIMUM HEIGHT OF LIGHT POLES

Districts and Uses:	Maximum Height
R-3 and R4 Districts and all nonresidential uses in residential zoning districts	20 feet
Lots with 50 or fewer parking spaces in nonresidential zoning districts	20 feet
Lots with more than 50 parking spaces in nonresidential zoning districts	35 feet
PDs	To be determined during the PD review

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1109.03 FENCES, WALLS, AND HEDGES

(a) Zoning Permit Issuance Required

(1) The installation of any fence or wall shall require the issuance of a zoning permit, unless specifically exempted from the permit requirement in this code. This zoning permit requirement shall also apply where a fence or wall will be removed and replaced.

(2) A zoning permit shall not be required for short sections of fencing or walls that do not enclose an area of land and that are designed as an architectural feature, utilized for decorative purposes, or utilized as a small privacy panel. Such sections shall not exceed 10 feet in length and shall not exceed six feet in height.

(3) Retaining walls shall not require a zoning permit except under the following conditions, in which case the construction of the retaining wall shall be reviewed to ensure structural stability of the wall and/or street or alley, as applicable:

A. Retaining walls that are constructed within one and one-half foot of a street or alley for each foot of height of the retaining wall; or

B. Retaining walls that will exceed six feet in height.

(4) Hedges, shrubbery, trees, bushes and plantings shall be excluded from classification as fences but shall be subject to the intersection visibility requirements of this code. See Section 1109.01. Additionally, no shrubbery or hedge shall be planted beyond the property lines.

(b) Nonconforming Fences and Walls

(1) Where a nonconforming fence or wall exists, such nonconforming fence or wall may continue to exist provide it is properly maintained in good condition.

(2) The repair or maintenance of a nonconforming fence or wall shall not require a zoning permit.

(3) If a nonconforming fence or wall, or portion thereof, is removed, such fence, wall, or portion thereof, shall lose its nonconforming status and may only be replaced with a fence or wall that conforms with the provisions of this section.

(c) General Requirements

(1) Unless a specific distinction is made in this section, any regulation that applies to fences shall apply to walls and vice versa.

(2) All fences and walls shall be subject to the intersection visibility requirements of Section 1109.01.

(3) All fences and walls, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences or walls on adjoining properties.

(4) A zoning permit shall be required for each property when a connection of existing fences or walls is proposed on two or more different properties. Such applications shall also include signatures of all property owners to document the agreement of such connection.

(5) Fences or walls are permitted along property lines provided only one fence is located on the lot line. Where separate fences or walls are proposed for adjacent properties, such fences and walls shall be separated by two and one-half feet for maintenance.

(6) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.

(7) Posts, poles, or other mechanisms used to secure the fence to the ground or support the fence shall be located on the inside of the fence (i.e., located on the property of the applicant).

(8) All diagonal or supporting members shall face the property on which the fence or wall is constructed.

(9) All fences and walls shall be maintained in a neat and orderly manner. This shall include keeping fences and walls clear of vegetation and growth unless such fence or wall is being used for a living fence (e.g., ivy walls), in which case, such fence or wall shall be maintained in a manner as to prevent such vegetative growth from encroaching onto the side of the fence or wall facing a neighboring lot.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(10) Walls shall be prohibited within all utility easements. Fences that are placed in utility easements shall require the written permission from the applicable utility company. Without such permission, fences are subject to removal without notice by utility companies or the City when work is being done in the utility easements. Fences shall not be placed in any City easement unless the plat specifically permits the placement of such fence. The City of Mount Vernon is not responsible for the determination of easements on private properties.

(11) Replacement of fences removed by the City or utility company shall be at the property owner's expense.

(12) Fences and walls shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or stormwater drainage in any zoning district. Solid fences shall be designed to have a minimum clearance of two inches above ground to allow for the natural drainage of water under the fence. Walls shall be designed to direct water to drainage channels or other outlets to eliminate the possibility of the accumulation of water behind the wall.

(13) Fences and walls for conditional uses shall comply with the standards of this section unless otherwise approved by the MPC as part of the conditional use review procedure.

(14) It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the ZEO issuing the zoning permit approval, and that the fence does not encroach on another lot or existing easement. The issuance of the zoning permit and any inspection by the City shall not be construed to mean that the City has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on them herein.

(d) **Materials**

(1) The following standards shall apply to the materials of all fences and walls:

A. Materials shall be weatherproof or weather resistant.

B. All sides of a decorative wall shall have a similar finish on both sides.

C. Fences made of rope, string, fabric, netting, or similar materials are prohibited unless an approved temporary construction fence (See Section 1109.03(h).).

D. Non-decorative concrete walls or masonry walls are prohibited.

E. Chicken, hog, rabbit, mesh, or woven wire fences are prohibited unless mounted on the interior of another approved form of fencing. See Figure 1109-C.

Figure 1109-C: Example of where wire fencing has been mounted on the interior of an approved three-rail fence.

F. Chain link fencing is allowed.

G. Plywood, particle board, fiberglass, corrugated or galvanized sheet metal panels, and non-traditional fence materials deemed unacceptable by the ZEO shall be prohibited. This may include, but is not limited to, fences or walls made from discarded materials such as shipping crates or pallets, or of tires, stacked tires or automobile parts, or stacked building materials, salvaged doors or garage doors, or similar new or used materials.

H. Dangerous fences installed above ground such as electrified wire, barbed wire, unfinished non-durable, sharp edge, cut or broken glass, rusted or other such fences designed to inflict pain or cause injury shall be prohibited with the exception of sharp-edged fencing allowed in Paragraph I, below.

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I. In the LI and GI Districts, fences may be topped with barbed wire. Such barbed wire shall only be located along the top of a fence and shall not extend below the top of the fence more than 12 inches.

(e) Measurement

(1) The maximum fence or wall height shall be measured from the lowest point within three feet on either side of the fence to the top most portion of the fence between posts. See Figure 1109-D. The structure posts or finials may exceed the maximum height allowed in this section by up to six inches.

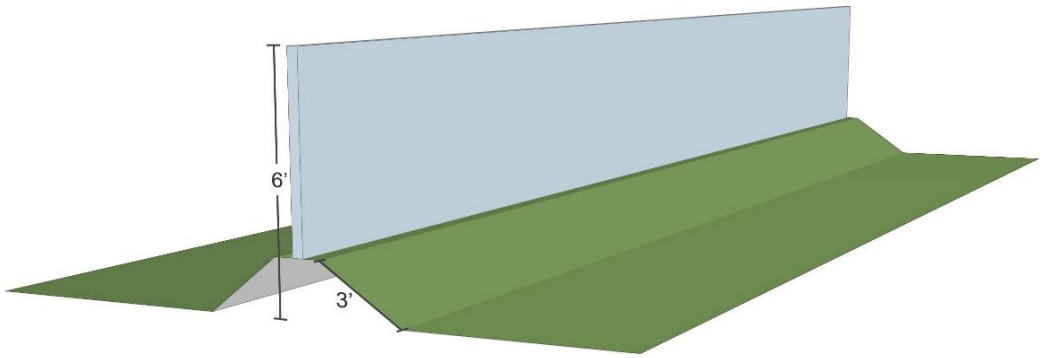

Figure 1109-D: Illustration of the measurement of the height of a fence based on the grade.

(2) Fencing or walls should follow the natural contour of the land on which it is located. See Figure 1109-E.

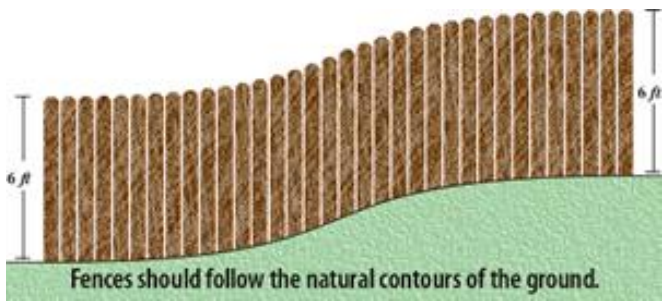

Figure 1109-E: This illustrates how fencing is measured along a natural contour.

(3) A fence may be erected on top of a wall, but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall. Fences or walls located on top of a retaining wall shall be measured from the top of the finished grade at the top of the retaining wall.

(f) Fences and Walls in Residential Districts

The following standards apply to fences and walls in residential districts.

(1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this section.

(2) The maximum height of a fence or wall in a required front yard shall be three feet. The maximum height may be increased to four feet if an open fence (See Figure 1109-F.) is utilized that has a minimum of 50 percent opacity. See Figure 1105-B for an illustration of the required front yard area.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Figure 1109-F: The above image illustrates an example of an open fence.

(3) The maximum height of all other fences in in the front yard, outside of the required front yard setback, or the side or rear yard shall be six feet.

(g) **Fences and Walls in Nonresidential Districts**

The following standards apply to fences and walls in nonresidential districts.

(1) The maximum height of a fence or wall in a front yard shall be three feet.

(2) The maximum height of all other fences in a side or rear yard shall be eight feet.

(h) **Temporary Construction Fences**

(1) Temporary construction fencing is permitted to enclose active construction for the duration of any construction.

(2) Temporary construction fences shall be maintained in good condition and shall not require a zoning permit approval.

(3) No temporary construction fencing material shall be used for permanent fencing.

1109.04 JUNK

(a) The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk by the ZEO or the ORC shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

(b) No person shall permit litter or junk to accumulate on land owned or occupied to the extent that it blows or spills over onto the property of another.

(c) Uncontrolled accumulation of litter is a nuisance and is subject to abatement by the City or owners of surrounding land.

(d) Upon repeated violations of this section, the ZEO may require the violator to erect a fence or landscaping designed to contain litter.

1109.05 PERFORMANCE STANDARDS

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this code may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this code if one or more of the following conditions is found to exist at any time:

(a) The use or storage of flammable of explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(b) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;

(c) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.;

(d) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;

(e) Noise levels that exceed 65 decibels during daytime hours or 60 decibels in evening hours along any lot line in a residential district, that are not muffled so as to create objectionable noise levels due to intermittence, beat frequency, shrillness, or volume;

(f) Vibration discernible by the ZEO without instruments is present on an adjoining lot or property;

(g) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;

(h) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property. Or

(i) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.

1109.06 CONSTRUCTION IN EASEMENTS

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure, including fences, shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow or drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which public authority or a utility is responsible.

1109.07 REFUSE COLLECTION AREAS

(a) All dumpsters and refuse collection areas serving nonresidential uses and multi-family dwelling units shall be located to the rear of the principal building, to the maximum extent feasible, in order to minimize views from the street and neighboring properties.

(b) Dumpsters shall be screened in accordance with Section 1111.07.

(c) Trash containers must be equipped with lids.

(d) Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the ZEO.

1109.08 SMALL CELL TECHNOLOGY IN THE RIGHT-OF-WAY

(a) **Applicability**

This section of regulations shall apply to the review of any small-cell wireless facility that will be located in the right-of-way within the City of Mount Vernon. Cellular or wireless communication systems that are to be located on a lot are subject to the provisions of Section 1105.04(i).

(b) **General Requirements**

(1) The following requirements shall apply to all small cell facilities and wireless support structures proposed within the right-of-way.

A. No person shall occupy or use the right-of-way except in accordance with law.

B. In occupying or using the right-of-way, no person shall unreasonably compromise the public health, safety, and welfare.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

C. No person shall occupy or use the right-of-way without first obtaining, under this section, or section 1332.24 or 4939.031 of the Ohio Revised Code, any requisite consent of the City. Before placing small cell facilities or wireless support structures in the right-of-way, an operator must apply for and receive a Small-Cell Facility Permit, issued by the City. This provision shall not be construed to waive application fees or any other construction or work permit necessary for work in the City.

(2) The permitting procedures and authorizations set forth herein in this section shall apply only to small cell facilities and wireless support structures in the right-of-way, and do not authorize the construction and operation of a wireline backhaul facility.

(3) Nothing in this section precludes the City from applying its generally applicable health, safety, and welfare regulations when granting consent for a small cell facility or wireless support structure in the City's right-of-way.

(c) **Review Procedure**

(1) **Pre-Application Meetings**

A. The City requires pre-submittal meetings to meet with potential applicants and discuss projects on a conceptual level. The conference is intended to identify the correct application type and content requirements for any given project, and also to create an informal forum in which applicants and the City can discuss any concerns that should be addressed as soon as possible to avoid any unnecessary delays in the processing of an application and deployment of wireless facilities in the City. The requirement for a pre-application meeting may be waived by the City Engineer or designee based on necessity and prior experience with the applicant.

B. An appointment is required for all pre- application meetings. The City Engineer may establish regular hours in which appointments are available and the number of potential projects that may be discussed at a pre- application meeting.

C. Pre-application meetings shall be subject to Section 1103.02(f).

(2) Prior to installation, modification, relocation or removal of a small cell facility, relocation or removal of an existing wireless support structure, installation of a new wireless support structure, or collocation on an existing wireless support structure in the right-of-way, the operator shall apply to the City and receive approval from the City.

(3) Unless otherwise required by state or federal law, the application shall be submitted to the Engineering Department with the applicable fee and all required materials and information in accordance with the requirements of this section in order for the application to be considered complete.

(4) For processing an application for consent, the City may charge a fee for each small cell facility and wireless support structure requested as prescribed under section 4939.0316 of the ORC and as listed on the associated application forms which shall be made available by the Engineering Department. The City may adjust this fee 10 per cent every five years, rounded to the nearest five dollars.

(d) **Design Guidelines**

(1) The City Engineer may promulgate detailed design guidelines with objective, technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetics and character of the immediate area regarding all of the following, which the City shall consider in reviewing an application:

A. The location of any ground-mounted small cell facilities;

B. The location of a small cell facility on a wireless support structure;

C. The appearance and concealment of small cell facilities, including those relating to materials used for arranging, screening, and landscaping;

D. The design and appearance of a wireless support structure.

(2) The design guidelines shall provide examples of small cell facilities preferences including visual depictions.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(3) The provisions in this section shall not limit or prohibit the City Engineer's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from, design guidelines so long as the information, materials, or requirements do not conflict with state or federal law.

(4) The City Engineer shall have authority to update or supplement the design guidelines to address relevant changes in law, technology, or administrative processes.

(e) **Safety Requirements**

(1) Any person who owns a small cell facility and/or wireless support structure sited in the right-of-way shall at all times employ ordinary and reasonable care and install and maintain in use industry standard technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.

(2) Small cell facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electric Code, all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.

(3) If state or federal standards and regulations are amended, the owners of the small cell facilities and/or wireless support structures governed by this section shall bring any facilities and/or structures into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the regulating agency. Failure to bring small cell facilities and/or wireless support structures into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.

(4) Any operator who owns or operates small cell facilities or wireless support structures in the right-of-way shall indemnify, protect, defend, and hold the City and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the operator who owns or operates small cell facilities and wireless service in the right-of-way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in the right-of-way.

(5) All owners must procure and provide to the City a bond, or must provide proof of an equivalent financial mechanism, to ensure compliance with all provisions of this section. The bond must be maintained for as long as the owner has small cell facilities and/ or wireless support structures located in the right-of-way. The bond or equivalent financial method must specifically cover the cost of removal of unused or abandoned small cell facilities and/ or wireless support structures or damage to City property caused by an operator or its agent of each small cell facility and/ or wireless support structure in case the city has to remove or pay for its removal. Two acceptable alternatives to a bond include a funds set-aside and a letter of credit.

(f) **Installation and Inspection**

(1) The collocation or new wireless support structure for which a small cell permit is granted shall be completed within 180 days after issuance of the small cell permit unless the City and the applicant agree to extend this period. The City will agree to an extension if the delay is caused by:

A. Make-ready work for a City-owned wireless support structure; or

B. The lack of commercial power or backhaul availability at the site, provided that the operator has made a timely request within 60 days after the issuance of the small cell permit for commercial power or backhaul services.

(2) The additional time to complete installation may not exceed a total of 360 days after the issuance of the small cell permit.

(3) In situations when completion will not occur within 180 days after issuance of the small cell permit, the applicant may request an extension of time. Such extension request must be completed utilizing the City's extension of time form, which will include the length of time being requested and the reason for the delay. The extension must be filed with the Engineering Department.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(g) General Provisions

(1) As-Built Maps and Records

A. Operator shall maintain accurate maps and other appropriate records, including an inventory, of its small cell facilities and wireless support structures as they are actually constructed in the right-of-way or any other City-owned property. The inventory shall include GIS coordinates, date of installation, type of wireless support structure used for installation, wireless support structure owner and description/type of installation for each small cell facility and wireless support structure.

B. Upon City's written request, the operator shall provide a cumulative inventory within 30 days of City's request. Concerning small cell facilities and wireless support structures that become inactive, the inventory shall include the same information as active installations in addition to the date the small cell facility and/or wireless support structure was deactivated and the date the small cell facility and/or wireless support structure was removed from the right-of-way. The City may compare the inventory to its records to identify any discrepancies.

(2) All small cell facilities and wireless support structures shall be designed, constructed, operated and maintained in compliance with all generally applicable federal, state, and local health and safety regulations, including without limitation all applicable regulations for human exposure to RF emissions.

(h) Annual Collocation Fee

For each attachment of a small cell facilities to a wireless support structures owned or operated by the City and located in the right-of-way, the City may charge the operator an annual fee as prescribed in Section 4939.0316 of the ORC and as listed on associated application forms which shall be made available by the Engineering Department. The City may adjust this fee ten per cent every five years, rounded to the nearest five dollars.

(i) Liability and Signal Interference

(1) The City shall not be liable to the operator by reason of inconvenience, annoyance or injury to the small cell facilities, wireless support structures, and related ground or pole-mounted equipment or activities conducted by the operator therefrom, arising from the necessity of repairing any portion of the right-of-way, or from the making of any necessary alteration or improvements, in or to, any portion of the right-of-way, or in, or to, City's fixtures, appurtenances or equipment.

(2) In the event that an operator's small cell facility interferes with the public safety radio system, or the City's or State of Ohio's traffic signal system, then the Operator shall, at its cost, immediately cooperate with the City to either rule out Operator as the interference source or eliminate the interference. Cooperation with the City may include, but shall not be limited to, temporarily switching the transmission equipment on and off for testing.

(j) Requirements for Removal, Replacement, Maintenance, and Repair

(1) Replacement of Municipal-Owned Wireless Support Structure

A. The City may require, in response to an application to collocate a small cell facility on a City-owned wireless support structure, the replacement or modification of the wireless support structure at the operator's cost if the City determines that replacement or modification is necessary for compliance with construction and safety standards. Such replacement or modification shall conform to these design guidelines. The City may retain ownership of the replacement or modified wireless support structure.

B. If the City has reserved space for future public safety or transportation uses on the City-owned wireless support structure, the replacement or modification must accommodate the future use.

(2) Removal or Relocation Required for City Project

A. Operator shall remove and relocate the permitted small cell facility and/or wireless support structure at the operator's sole expense to accommodate construction of a public improvement project by the City.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

B. If operator fails to remove or relocate the small cell facility and/or wireless support structure or portion thereof as requested by the City within 120 days of the City's notice, then the City shall be entitled to remove the small cell facility and/or wireless support structure, or portion thereof at operator's sole cost and expense, without further notice to operator.

C. The operator shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the small cell facilities and/or wireless support structure, or portion thereof.

(3) Removal Required by City for Safety and Imminent Danger Reasons

A. The operator shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Small cell facility and/or wireless support structure within the time frame and in the manner required by the City if the City reasonably determines that the disconnection, removal, or relocation of any part of a small cell facility and/or wireless support structure is necessary to protect the public health, safety, welfare, or City property, or operator fails to obtain all applicable licenses, permits, and certifications required by law for its small cell facility and/or wireless support structure.

B. If the Mayor reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable small cell facility and/or wireless support structure at the operator's sole cost and expense.

(4) Removal/Abandonment of Facilities

A. The operator shall remove small cell facilities and/or wireless support structures when such facilities are abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 60 days of the small cell facility and/or wireless support structure being abandoned, or within 60 days of receipt of written notice from the City. When the operator abandons permanent structures in the right-of-way, the operator shall notify the City in writing of such abandonment and shall file with the City the location and description of each small cell facility and/or wireless support structure abandoned. Prior to removal, the operator must make application to the City and receive approval for such removal. The operator must obtain a right-of-way work permit for the removal. The City may require the operator to complete additional remedial measures necessary for public safety and the integrity of the right-of-way.

B. The City may, at its option, allow a wireless support structure to remain in the right-of-way and coordinate with the owner to transfer ownership of such wireless support structure to the city, instead of requiring the owner and/or operator to remove such wireless support structure.

(5) Restoration

The operator shall repair any damage to the right-of-way, any facilities located within the right-of-way, and/or the property of any third party resulting from operator's removal or relocation activities (or any other of the operator's activities hereunder) within 10 calendar days following the date of such removal or relocation, at the operator's sole cost and expense. Restoration of the right-of-way and such property must be to substantially the same condition as it was immediately before the date the operator was granted a small cell permit for the applicable location, or did the work at such location (even if the operator did not first obtain a small cell permit). This includes restoration or replacement of any damaged trees, shrubs, or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City.

(k) Rule-Making Authority

The City Engineer is hereby authorized to promulgate additional rules and regulations, including but not limited to the adoption of forms and application submittal requirements, to carry out the purpose and intent of this section in order to protect the public health, safety and welfare. Such rules, and amendments thereto, shall be consistent with these Codified Ordinances, and shall be subject to the approval of the Safety Service Director.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(l) Effect of Partial Invalidity

The provisions of this section are hereby declared to be severable, and if any section, subsection, or clause of this section is held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this section that can be given effect.

(m) Penalty

(1) For failure to comply with any provision of this section or the design guidelines, the penalty shall be a civil forfeiture, payable to the City, in the amount of $250 per day for each day the violation continues.

(2) In addition to the civil forfeiture in division (1), the City may also pursue the remedies of revocation of the small cell permit or specific performance of the violated provision.

(3) The City Engineer may excuse violations of this section for reasons of force majeure.

(4) For purposes of this section, "force majeure" means a strike, acts of God, acts of public enemies, orders of any kind of a government of the United States of America or of the State of Ohio or any of their departments, agencies, or political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the permittee, but only to the extent the disabled party notifies the other party as soon as practicable regarding such force majeure and then for only so long as and to the extent that, the force majeure prevents compliance or causes non-compliance with the provisions hereof.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1110: CB District Architectural Standards

1110.01 PURPOSE

The purpose of this section is to establish architectural and building design standards for the downtown area of Mount Vernon to preserve the urban characteristics of downtown with clear and objective guidance. Furthermore, it is the purpose of this chapter to:

(a) Safeguard the architectural integrity of the City's existing built environment and allow for future construction, expansion, and renovation of buildings that reflect the predominant massing, form, scale, and height of downtown buildings without requiring the construction of historic styles;

(b) Afford the widest possible scope of continuing vitality through private renewal and architectural creativity within appropriate controls and standards;

(c) To encourage the use or appropriate development of vacant properties, as applicable, in accordance with the character of downtown Mount Vernon;

(d) To encourage investment in historic resources and strengthening of the City's economy;

(e) To enhance the environmental and aesthetic quality of downtown;

(f) To encourage the preservation and continued use of historic public buildings; and

(g) To protect public health, safety, convenience, comfort, prosperity, and general welfare.

1110.02 APPLICABILITY

(a) Any new construction of principal buildings within the CB District shall be subject to the regulations of this chapter. This shall include any expansion of buildings that exist with the CB District on the effective date of this

(b) This chapter shall apply to the construction or expansion of any accessory building in the CB District where the building has 200 square feet of floor area or, after construction, will exceed 200 square feet of floor area.

(c) The requirements of this section may be modified or waived upon specific review and approval by the MPC as part of an alternative equivalency review during the review process. See Section 1103.04.

(d) The review of these standards shall take place as part of a zoning permit application for buildings in the CB District.

1110.03 GENERAL GUIDELINES

Any buildings subject to the requirements of this chapter shall be designed with the following guidelines in mind:

(a) Materials should be appropriate for the use of building, for weathering and for relationship to other materials, including those used on adjacent buildings.

(b) Colors and textures should be appropriate for the size and scale of the building, for weathering and for relationship to the site and adjacent buildings.

(c) Architectural details and ornaments should be meaningful to the overall design and appropriate for the size and scale of the building and for weathering.

(d) Mechanical equipment should be considered as it affects rooftop appearance, sidewall openings, sound levels, smoke and other nuisance aspects. Also, mechanical equipment shall be considered as it relates to overhead wires, gas and electric meter stations, and any other visible appurtenances.

(a) Commercial or mixed-use buildings are the principal building type in downtown Mount Vernon. New construction should contain the basic components as illustrated in Figure 1110-A, although the size, shape, style, materials, and details may vary depending on when the building was constructed.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

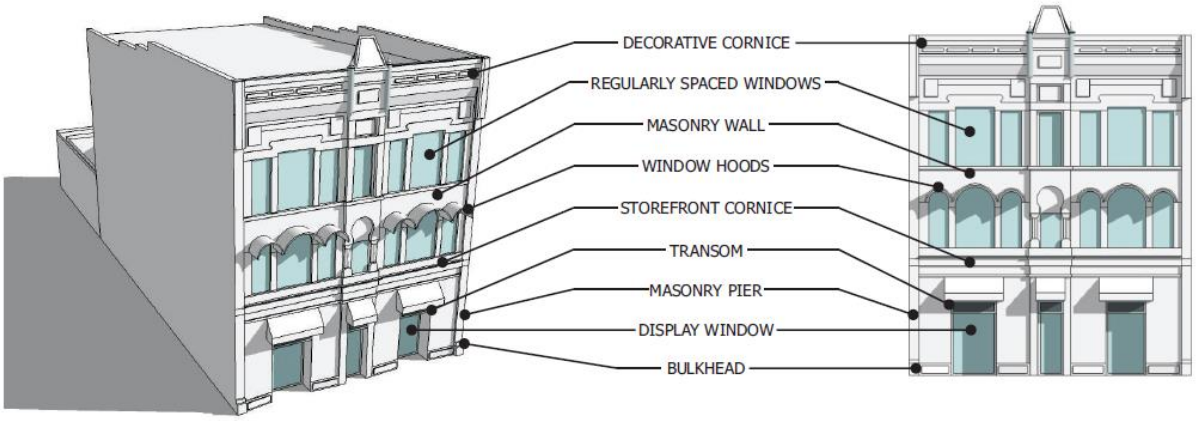

Figure 1110-A: Typical storefront components of commercial buildings.

1110.04 BUILDING ORIENTATION

(a) Buildings shall be constructed parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.

(b) The primary entrances of buildings shall be oriented:

(1) Towards a street along the perimeter of the development or towards a public space, if located adjacent to the proposed project; or

(2) Towards streets in the interior of the development if none of the building's facades has frontage on a public street.

1110.05 BUILDING MATERIALS

(a) A combination of materials, textures, colors, and finishes should be utilized to create visual interest. Vinyl siding and corrugated metal or steel siding material shall be prohibited. Vinyl may be used for window and door trim as well as on facades that do not face a street.

(b) Exposed metal panels (such as copper, bronze, or other decorative metal) is permitted on building elevations as an accent or as a minor exterior material.

1110.06 BUILDING DESIGN AND MASSING

(a) **Building Base, Body, and Cap**

(1) All architectural elevations of principal buildings shall consist of a body and a cap. See Figure 1110-B. A base shall not be required unless a base is present on adjacent buildings, in which case, the proposed building shall contain a base of similar height.

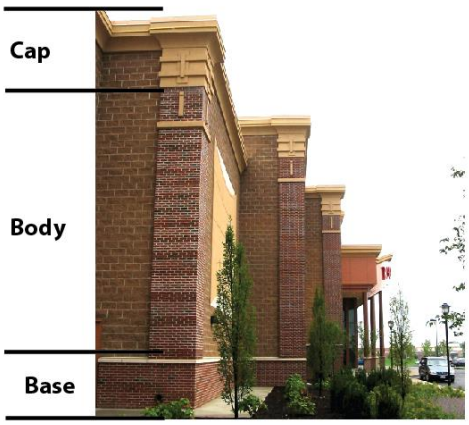

Figure 1110-B: Illustration of the cap, body, and base of a building.

(2) The body shall occupy the middle portion of the elevation, and should have a height no less than 60 percent of the average wall height.

(3) The cap shall occupy the highest portion of the elevation and should have a height no less than five percent of the average wall height. The cap shall not include the roof portion of the building unless the building is to have a mansard roof, in which case, the mansard roof may be counted toward the cap.

(4) The base, where applicable, and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.

(5) The cap shall consist of a cornice, parapet, or mansard roof. Other cap styles are permitted if the ZEO determines that they are similar to styles found on existing buildings in Mount Vernon.

(6) Architectural elevations for all new buildings shall include design, massing, materials, shape, and scale that create a unified design on the premises.

(b) **<u>Building Setback, Height, and Width</u>**

(1) Principal buildings shall be set to the back of the sidewalk or the front right-of-way.

(2) Exceptions to the setback requirement above may be made to allow room for outdoor dining areas, landscaped entries, pedestrian plazas, enhanced customer entrances, and similar pedestrian amenities. In no case, shall the buildings be set back more than 10 feet from the back of the sidewalk

(3) Open spaces between buildings that create courtyards or walkways to the rear of the property are encouraged.

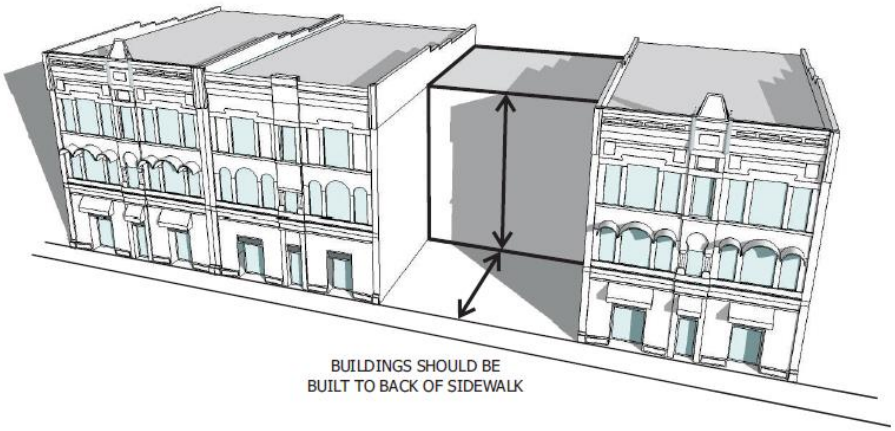

Figure 1110-C: Buildings should be built to the back of the sidewalk. Buildings should not be setback behind the front facade of adjacent buildings unless creating a pedestrian amenity such as a courtyard or small urban plaza.

(4) The overall height of new construction should relate to that of adjacent buildings. As a general rule, new buildings should generally be the same height as the average height of existing buildings within the vicinity. Buildings located on corner lots may have taller building heights than adjacent buildings to create a focal point for the intersection.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Figure 1110-D: The height, width, and overall proportions of infill development should be in scale with surrounding buildings. Buildings should also maintain the rhythm of window and door openings.

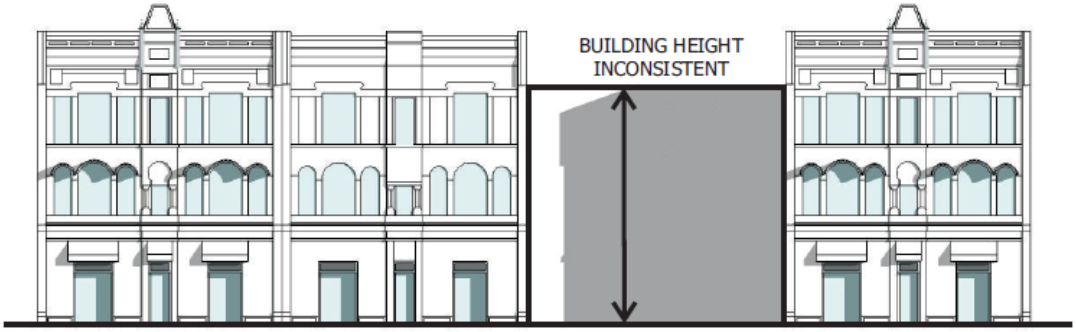

Figure 1110-E: The above image illustrates an inappropriate building height due to its inconsistency with the adjacent buildings along the same block face.

(5) The width of a new building shall be designed to continue the established rhythm of the block. If the lot is wider than 50 feet, the building facade shall be broken into smaller bays with architectural details to maintain the building rhythm.

Figure 1110-F: This image illustrates how existing and new structures divide the entire facade plane into smaller components through the use of pilasters, storefronts, height variation, and material variations.

(6) The scale of a buildings proportions and the building's massing shall be similar in character to adjacent buildings.

(7) New buildings or additions shall maintain the same directional expression (horizontal or vertical) as surrounding buildings. Horizontal buildings can be detailed to relate to more vertical adjacent structures by breaking the facade into smaller masses and bays. Strongly horizontal or vertical facade expressions shall be avoided.

(c) Facade Openings (Doors and Windows)

(1) Blank building facades (i.e., those devoid of openings such as windows and transparent doors) along public streets are prohibited. These requirements shall not generally apply to those facades that are not visible from a street or are completely hidden due to topography or natural features preserved as open space.

(2) Building elevations that are visible from a public street should contain window and door openings that occupy at least 30 percent of the total wall surface area outside of the first-floor area.

(3) Doors and windows should be positioned to create a uniform pattern or visual rhythm along the building elevation.

(4) All doors and windows shall be articulated through the use of lintels, sills, and thresholds.

(d) Roof Styles

The roof shapes and forms of new buildings shall resemble, but shall not necessarily duplicate, the shape, style, and form of roofs for nearby structures. Introducing roof shapes, pitches, or materials not traditionally associated with the area or architectural style shall be prohibited.

Figure 1110-G: This image illustrates an infill building that would not comply with these standards of new construction in terms of height, roof styles, window and door patterns, siding, ornamentation, signage, and most other requirements in downtown.

(e) Mechanical Equipment

(1) Wall mounted mechanical, electrical, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures, shall be painted and maintained to match the building or be screened from view. All rooftop mechanical equipment, unless screened from view, should match the color of the structure or be visually compatible with the structure.

(2) Mechanical equipment such as transformers and HVAC units should not be located in front yards, unless appropriately screened from view.

(3) All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public rights-of-way, as well as from all property zoned or used for residential purposes, to the maximum extent practicable.

(4) Screening elements may include walls (same material and color as principal structure), landscaping, mounds, parapets or enclosures constructed of the same materials used on the majority of the principal structure or any combination or as otherwise approved or required during review. See Figure 1110-H.

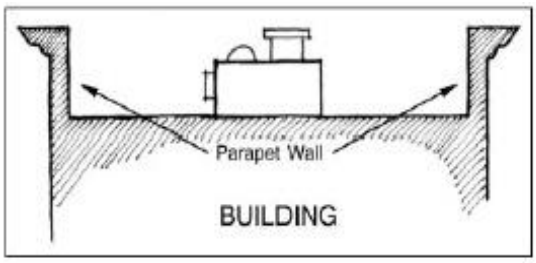

Figure 1110-H: Illustration of the use of walls for the screening of mechanical equipment.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1111: Landscaping and Screening

1111.01 PURPOSE

The purpose of landscaping and screening regulations is to:

(a) Promote attractive development and preserve the appearance and character of the surrounding area through the use of effective landscaping;

(b) Promote the preservation and replacement of major trees;

(c) Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted, land uses on adjoining lots using a suitable combination of setbacks, visual buffers and physical barriers;

(d) Prescribe standards for the installation and maintenance of trees, plantings, and walls and fences; and

(e) Encourage the enhancement of the visual environment, ensure public safety, and moderate the micro-climate.

1111.02 APPLICABILITY

(a) **Additions and Enlargement**

(1) The requirements of this chapter shall apply to new development and any collective, substantial expansion or change in land use (except for single-family dwellings and two-family dwellings), and expansion of vehicular use areas. Substantial expansion or modification of the existing structures shall be defined based on the criteria established in Table 1111-1.

TABLE 1111-1: LANDSCAPING AND SCREENING APPLICABILITY

When the Existing Structure is:	A Substantial Expansion is:
0-2,500 sq. ft.	50% or greater
2,501-10,000 sq. ft.	40% or greater
10,001-25,000 sq. ft.	30% or greater
25,001-100,000 sq. ft.	20% or greater
100,001 sq. ft. and larger	10% or greater

(2) Any collective expansion of 500 square feet or less shall be exempt from the applicability section of this chapter. Collective expansion shall include the sum of all expansions of the original structure or building, as existed on the effective date of this code, regardless of when they occur.

(3) If a building or structure covers the entire lot, landscaping and screening alternatives must be proposed to the ZEO for review and approval that meet the purpose and intent of this chapter.

(b) **Expansion of Vehicular Use Areas**

(1) When a vehicular use area is expanded, the landscaping requirements of Section 1111.06: Landscaping Requirements for Vehicular Use Areas shall apply to the expanded vehicular use area.

(2) If a vehicular use area is demolished and replaced or redesigned, the landscaping requirements of Section 1111.06: Landscaping Requirements for Vehicular Use Areas shall apply to the entire vehicular use area.

1111.03 MODIFICATIONS

The standards of this chapter may be modified either through approval of a variance or an alternative equivalency review. See Section 1103.04 and Section 1103.07.

1111.04 MINIMUM MATERIALS AND STANDARDS

The following identifies the minimum landscape and screening standard requirements for all developments.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(a) Installation Timing

If plantings cannot be completed prior to building occupancy due to weather or other conditions that prevent planting, the ZEO has the authority to grant a six-month extension for installation of plantings. Failure to install by such timeline shall be considered a violation of this code.

(b) Plant Materials

(1) All plant material shall be sound, healthy, live plants installed and maintained in accordance with acceptable nursery industry procedures.

(2) All plant materials shall be installed prior to a certificate of occupancy being issued by the State of Ohio.

(3) Shrubs shall be installed at a minimum height of two feet.

(4) Trees

A. Evergreen trees shall be installed at a minimum height of six feet.

B. Shade (deciduous or canopy) trees shall be installed at a minimum caliper of two inches as measured at the diameter at breast height (DBH).

C. Ornamental trees shall be installed at a minimum caliper of one and one-half (1½) inches at DBH.

D. Trees that drop fruits, berries, or seeds shall be prohibited from use as part of any landscaping requirement where the tree or its canopy will hang over vehicular use areas, sidewalks, or other paved areas.

E. Invasive species identified in OAC 901:5-30-01 shall be prohibited.

F. Trees should be pollution resistant.

G. To curtail the spread of disease or insect infestation in a plant species, if a new development contains over 20 trees, the application should include diversity in plant choices.

(5) Any trees, shrubs, or landscaping materials used to meet the standards of this chapter shall be required to meet the height and size standards of this section. Any trees, shrubs, or landscaping materials incorporated onto a site that exceeds the amount required by this chapter may be of any size.

(c) Accessways

Necessary accessways shall be permitted to traverse required landscaping and screening areas. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees and shrubs required in this chapter.

(d) Fencing and Walls

(1) All fencing or walls used for screening purposes shall not exceed eight feet in height and shall be 100 percent in opacity.

(2) Placement of fencing and walls shall comply with Section 1109.03(f) and 1109.03(g).

(3) All fences used to meet the landscaping requirements of this chapter shall have a minimum two-inch open space below the fencing material, not including support structures, to provide for the natural flow of storm water.

(e) Mounds and Berms

(1) Earthen mounds and berms shall have a maximum slope of 3:1 (three feet of horizontal space is required for each one-foot vertical change in elevation).

(2) The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mound.

(3) Earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.

(4) Mounds and berms shall be designed to comply with all applicable storm water regulations to prevent the redirection of stormwater onto an adjacent lot.

(f) Location

(1) No trees shall be planted that will interfere with the operation and maintenance of any utilities including, but not limited to, drainage structures, sanitary sewer, and water lines.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(2) All required landscaping and screening materials shall be installed on the subject property requiring the landscaping and screening.

(3) Perimeter landscaping and/or landscaped areas used for screening shall have a minimum width of five feet.

1111.05 TREE PLANTING AND PRESERVATION

For new subdivisions, existing trees shall be preserved and new trees planted in accordance with Section 1114.11.

1111.06 LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS

(a) This section establishes the minimum standards by which vehicular use areas will be landscaped and screened from adjacent public streets or from adjacent properties. In addition, this section delineates standards for landscaping within the interior of parking areas.

(b) Whenever required landscaping is adjacent to vehicular use areas, such screening shall be protected by bollards, wheel blocks, or curbing to avoid damage by vehicles.

(c) **Perimeter Landscaping Required in the CB District**

(1) The perimeter landscaping requirements of this subsection shall apply to all off-street vehicular use areas adjacent to a public street in a CB District where there are 10 or more parking spaces.

(2) Vehicular use areas adjacent to public streets in the CB District shall be separated from the edge of the right-of-way by a perimeter landscape strip no less than five feet in width.

(3) The landscape strip shall contain a decorative fence with a minimum opacity of 50 percent.

(4) The landscaping strip shall also include evergreen shrubs or hedges that form a continuous visual screen with a minimum height of 36 inches above grade.

(5) The landscape strip shall be covered with ground cover where not planted with trees or shrubs.

(6) Perimeter landscape strips shall be continuous and unbroken except for driveways to access the parking area, sidewalks, or paved trails.

(d) **Parking Lot Landscaping Required**

(1) The landscaping requirements of this section shall apply to all parking lots that contain 50 parking spaces or more. Parking lots in the CB and GI Districts shall be exempt from the landscaping requirements of this subsection.

(2) These parking lot landscaping requirements shall be in addition to any other screening landscaping or requirements as specified in this chapter.

(3) The parking lot landscaping shall include at least one shade tree and two shrubs per 20 parking spaces that shall be located either:

A. Within landscaped islands located within the parking lot; or

B. Between the parking lot and public street to serve as a streetscape for the parking lot.

(4) The parking lot landscaping shall be located in a manner where there is no impairment to visibility of motorists or pedestrians (See Section 1109.01.).

(5) **Landscaped Islands**

Where landscaped islands are used to fulfill the requirements of this subsection, the following standards shall apply:

A. The landscape islands shall be scattered throughout the parking area to break up large areas of pavement. Landscaped islands that are designed as extensions from the perimeter landscaping areas shall also be considered as parking lot landscaping for the purposes of this subsection. See Figure 1111-A.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Figure 1111-A: The above images show different options for landscaped islands.

B. Landscape islands shall have a minimum size of 100 square feet with a minimum dimension of five feet in any direction to provide a suitable living environment for the landscaping.

C. If an existing tree is to be used to meet the requirements of this subsection, the landscape island shall be equal in size to the tree's drip line area to protect the root system of the existing tree.

D. As an alternative to this standard, landscaped islands designed as stormwater infiltration islands that comply with the following standards, may be permitted.

- **i.** Incorporate curb cuts or flat curbs along the edges of the island that allow water to flow into the island;
- **ii.** Create a shallow depression of 6 to 18 inches to allow for ponding in the island;
- **iii.** Locate ponding areas at least 10 feet away from any building foundations to ensure that the ponded water does not drain to foundations;
- **iv.** Include perennial flowers, ornamental grasses, shrubs and edges created by attractive walls, pavers or a band of turf, in order to create an attractive appearance in the island;
- **v.** Include plants that tolerate snow storage and winter salt and sand; and
- **vi.** Plant the tallest flowers and shrubs in the deepest part of the island.

Figure 1111-B: The above is an image of a stormwater infiltration island used in a parking area.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1111.07 SCREENING

(a) **Screening of Service Areas**

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intensive uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

(1) The following areas shall be screened in accordance with this section:

A. Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;

B. Accessory outdoor storage and bulk sales;

C. Pipes, conduit, and cables associated with the building or use;

D. Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.);

E. Ground-level or facade-mounted mechanical equipment; and

F. Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.

(2) Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent lots in residential zoning districts.

(3) All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.

(4) **Screening Methods**

A. The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.

i. Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views (See Figure 1111-C.); or

ii. An opaque fence or wall consistent with the standards of Section 1109.03; or

iii. Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building.

Figure 1111-C: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.

B. The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code.

C. To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building facade to further reduce visibility.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

D. In all cases, fences and walls are limited to the heights allowed by Section 1109.03 unless the wall used for screening is an extension of the principal building, in which case, the wall may be the same height as the principal building wall that from which it is extended. See Figure 1111-D.

Figure 1111-D: The above image illustrates a wall and fence that is an extension of the principal building that is designed to screen outdoor storage areas.

(b) Screening between Land Uses

This section shall provide for the screening of land uses that may be of a different intensity, or are otherwise incompatible, for the purposes of mitigating impacts such as parking areas, noises, and other potential effects. Screening of land use shall be established in the following manner:

(1) In Table 1111-2, identify the required screen type by locating the district in which the proposed use is in along the left-hand column. The required screen type will be in the right two columns based on the adjacent residential uses.

(2) Screen types are identified by a letter. Where nonresidential districts are adjacent to other nonresidential zoning districts, screening between land uses will not be required.

(3) Find the screen type in Table 1111-3, which identifies the minimum screen to be established as required in this chapter. An alternative screening type may be proposed in accordance with Section 1103.04.

TABLE 1111-2: SCREENING TYPE REQUIRED

District Where Proposed Development Will Occur:	Adjacent Zoning	
	RR, ER, R-1, R-1A, and R-2	R-3 and R-4
RR, ER, R-1, R-1A and R-2	None	None
R-3 and R-4	A	None
NC and OB	A [1]	A
CB	None	None
GB	B	B
LI and GI	C	B
PI	B	A

NOTE:
[1] In the OB District, the screening shall only be required when a nonresidential use is established adjacent to a residential zoning district. The residential use of a property in the OB District shall not require screening.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

TABLE 1111-3: SCREENING TYPE STANDARDS					
Screen Type	**Minimum Width with Solid Fence, Wall, or Mound**	**Minimum Width Without 6-Foot Fence, Wall or Mound**	**Number of Landscaping Elements per 50 Linear Feet of Screening**		
			Shrubs	**Shade or Evergreen Tree**	**Ornamental Tree**
A	5	10	6 [1]	2 [1]	2 [1]
B	15	30	8	4	3
C	20	40	15	6	4
NOTE: [1] Landscaping elements shall only be required where there is no solid fence, wall, or mound used for screening.					

1111.08 MAINTENANCE

(a) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and weeds at all times.

(b) All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.

(c) No plant material required by this code shall be removed for any reason unless replaced with like kind and size at the time of removal. If replaced with a like kind and size of material, no approvals shall be required.

(d) Any changes to an approved landscaping plan shall require approval in the same manner as the landscaping plan was originally approved.

(e) Violation of these provisions shall be subject to the enforcement provisions of Chapter 1116: Enforcement and Penalties.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1112: Parking, Access, and Connectivity

1112.01 PURPOSE

The purpose of this chapter is to protect the public health, safety, convenience, comfort, prosperity and general welfare, and to:

(a) Regulate the appropriate amount of land for parking, loading, stacking, and maneuvering;

(b) Relieve the congestion so the streets can be utilized more fully for movement of vehicular traffic;

(c) Promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;

(d) Encourage alternative modes of transportation by providing facilities for pedestrians and bicyclists;

(e) Protect the light, air, and visual amenities of residential areas by limiting the parking and storage of recreational vehicles, boats, trailers and trucks in residential areas;

(f) Reduce surface water run-off by considering the use of pervious surfaces, where applicable; and

(g) Promote the public health, safety, convenience, comfort, general welfare and prosperity of business, service, research, production, manufacturing and distribution developments which depend upon off-street parking facilities.

1112.02 APPLICABILITY

(a) Compliance with this section shall be reviewed as part of a zoning permit application unless otherwise stated in this chapter.

(b) Unless otherwise stated, the requirements of this chapter shall apply to all new development where there is the construction of a new structure or establishment of a new use.

(c) Where a change in use based on Table 1105-1, an increase in square footage or seating, or an increase in the number of dwelling units occurs, the number of parking spaces, loading spaces, or vehicle stacking spaces shall comply with the requirements of this chapter and as identified in this subsection.

(d) Accessory and temporary uses shall be exempt from the requirements of this chapter unless specifically required in Chapter 1108: Accessory and Temporary Uses.

(e) All development in a PD District shall be subject to the standards of this chapter unless otherwise modified through the PD review and approval process.

(f) Off-street parking, off-street loading, and stacking spaces for drive-through facilities shall not be required for any use in the CB District, however, if such vehicular use areas are constructed, they shall be subject to all applicable design standards from this chapter.

1112.03 GENERAL REQUIREMENTS

The following requirements shall apply to all vehicular use areas including off-street parking, stacking, and loading spaces.

(a) **Location**

Parking and loading spaces shall be provided on the same lot as the principal use they are intended to serve unless otherwise regulated in this chapter.

(b) **Modification to Existing Vehicular Use Areas**

The modification of any existing off-street parking area, including, but not limited to, reduction, enlargement, restriping or remarking of any vehicular use area in a manner that differs from the existing, shall require a review of the modification in accordance with the following:

(1) Minor modifications related to maintenance and upkeep, including, but not limited to, repaving of the existing paved area, restriping, remarking, or other similar maintenance work, are permitted without a zoning permit approval.

(2) All other modifications, including, but not limited to, the removal or expansion of existing paved areas, shall be reviewed through the zoning permit process.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(c) Setback Requirements

(1) Vehicular use areas shall be setback a minimum distance, as established in Table 1112-1, from any front, side, and rear lot lines, as applicable.

(2) The side and rear lot line setbacks of Table 1112-1 shall not be required in nonresidential districts where such lot line is adjacent to a lot in the same zoning district to allow for shared or connected vehicular use areas.

(3) Setbacks, separation distances, and other access management requirements for driveways shall comply with policies approved by the City Engineer.

TABLE 1112-1: VEHICULAR USE AREA SETBACKS

District	Setbacks (Feet) From:		
	Front Lot Line	Side Lot Line (Each Side)	Rear Lot Line
R-3 and R-4	10	10	20
NC, GB	10	10	10
OB	10	7	7
LI	10	10 [1]	10 [1]
GI	10	10 [1]	10 [1]
PI	10	7	7

NOTE:
[1] The setback shall be increased to 20 feet when the vehicular use is adjacent to a residential zoning district.

(d) Striping, Marking, and Maintenance

(1) All parking areas with 20 or more spaces shall be striped and maintained in good condition.

(2) Each parking space and aisle shall be clearly designated and marked to ensure approved utilization of the space, direction of traffic flow and general safety.

(3) When a parking space is designated for handicapped accessibility or compact car use, it shall be clearly marked as such.

(4) The owner of property used for parking shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, and other rubbish.

(e) Surface and Grading

(1) The surface of any parking area, aisle, driveway or maneuvering area shall be paved with a hard, durable, dust free surface such as asphalt or concrete (excluding compacted gravel) and approved by the ZEO. Porous asphalt or pervious concrete, used to reduce surface water run-off, are also permitted surfaces for vehicular use areas.

(2) Gravel parking is permitted in nonresidential zoning districts when located in side or rear yards. Dust suppression efforts shall be required to prevent dust and stilt from creating downstream stormwater issues. Gravel vehicular use areas shall be setback twice the distance from residential districts as required in Table 1112-1, above.

(3) All vehicular use areas, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

(f) Wheel Stops and Curbing

(1) Wheel stop devices consisting of parking blocks, permanent curbs, or other suitable barriers shall be installed to prevent any part of a parked motor vehicle from extending beyond the required parking space area, overhanging a pedestrian circulation way or sidewalk or damaging any structure or landscaping.

(2) The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(3) Wheel stops shall be adequately anchored to the ground to prevent any movement.

(4) Continuous curbing is discouraged, but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater. See Figure 1112-A.

Figure 1112-A: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.

(g) Lighting

Any lighting of vehicle use areas shall be subject to Section 1109.02.

(h) Landscaping and Screening

Landscape and screening shall be pursuant to Chapter 1111: Landscaping and Screening.

(i) Disabled Vehicles

The parking of a disabled vehicle within any zoning district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

(j) Bicycle and e-Scooter Parking

When bicycle or e-Scooter parking accommodations are provided on a site, they shall be located in an area adjacent to the primary building and separate from vehicular or pedestrian traffic circulation to prevent unnecessary conflicts and safety hazards between vehicles, people, bicycles and e-Scooters.

1112.04 OFF-STREET PARKING STANDARDS

(a) Number of Off-Street Parking Spaces Required

(1) Applications for single-family, two-family, and multi-family dwellings shall be required to provide the number of required off-street parking spaces as established in Table 1112-2. The spaces may be located within a garage, on an approved driveway, or in an approved parking lot. Fractional numbers shall be increased to the next highest whole number.

(2) In residential use areas, garages or carports may be counted as a part of the required parking.

TABLE 1112-2: RESIDENTIAL PARKING REQUIREMENTS

Use	Required Parking Spaces
Single-Family and Two-Family Dwellings	2 spaces per dwelling unit
Multi-Family Dwellings – Studio or One Bedroom Units	1.5 spaces per dwelling unit
Multi-Family Dwellings – Two or More Bedroom Units	2 spaces per dwelling unit [1]

NOTE:
[1] For multi-family dwelling developments with more than 20 units, an additional parking space shall be provided for every four dwelling units to provide additional guest parking.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(4) All applications for development except for residential uses identified in Table 1112-2, above, are required to demonstrate that the proposed number of off-street parking spaces provided is sufficient to serve the proposed use or activity through the submission and review of a parking plan. As part of the parking plan, the applicant shall provide a written analysis of parking requirements based on the following information:

A. Availability of on-street parking near the use and the distances to those spaces;

B. Building square footage for each specific use to be served by off-street parking;

C. Hours of operation;

D. Estimated number of patrons/customers at peak hours of operation;

E. Maximum numbers of employees present on one shift;

F. Availability of joint parking areas;

G. Building occupancy loads; and

H. Any additional information as requested by the ZEO.

(5) When multiple uses are proposed on the site, the ZEO shall consider the parking requirements of all uses and may utilize the most intense use when determining if the proposed plan has sufficient parking spaces.

(6) The ZEO has the authority to deny an application if they determine that an adequate amount of parking has not been provided. The ZEO shall provide, in writing, the reasons for the rejection. The ZEO may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI), and/or the Institute of Traffic Engineers (ITE) in making their determination. Prior to a formal denial, the ZEO shall also have the ability to discuss joint or shared parking options, as permitted in Section 1112.04(e) as a potential solution to providing sufficient parking.

(7) The ZEO's decision regarding parking requirements for a specific use is appealable to the BZA as established in Section 1103.07.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(b) Dimensional Requirements for Parking Spaces and Drive Aisles

(1) Areas for off-street parking facilities shall be designed in accordance with the minimum dimensional requirements established in Table 1112-3 and illustrated in Figure 1112-B. No variances may be approved to reduce the dimensional requirements of this section.

(2) If parking along a drive aisle shall have parking at two or more different angles, the width of the aisle required shall be the largest width required in Table 1112-3.

TABLE 1112-3: PARKING SPACE DIMENSIONS

Angle	Parking Space Width (Feet)	Parking Space Length (Feet)	Drive Aisle Width (Feet)	
			One-Way	Two-Way
	A	B	C	D
Parallel (0°)	10 feet	23 feet	12 feet	20 feet
30°	10 feet	20 feet	12 feet	24 feet
45°	10 feet	20 feet	14 feet	24 feet
60°	10 feet	19 feet	22 feet	24 feet
Perpendicular (90°)	10 feet	19 feet	24 feet	24 feet

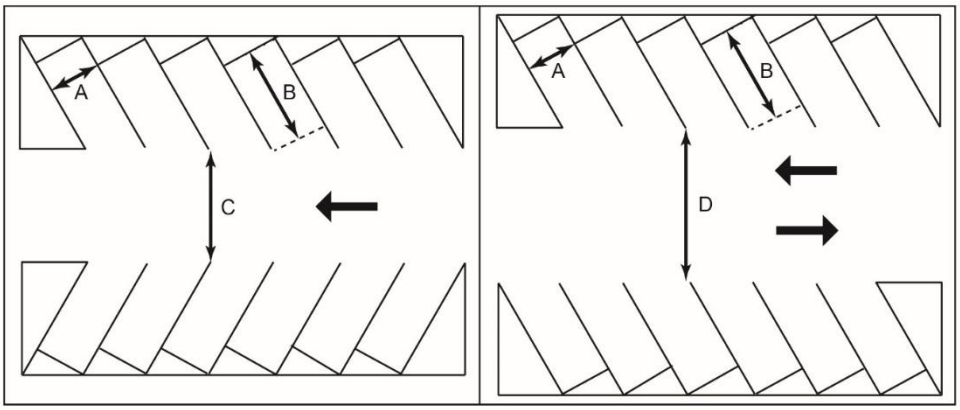

Figure 1112-B: Parking area dimensions

(3) Compact Spaces

A. All compact car spaces must be a minimum of eight feet wide by 16 feet long.

B. The design and placement of all compact spaces are subject to the review of the ZEO.

C. The location of all compact spaces shall be readily identified and grouped in one or a series of locations.

D. For nonresidential uses with 50 or parking spaces, up to 10 percent of the total parking spaces may be compact spaces.

(c) Parking for Handicapped Persons

(1) Parking spaces for handicapped and elderly persons shall, at a minimum, meet the dimensional requirements of Section 1112.04(b), above, in additional to any other dimensional or design requirements of the Accessible Parking Guide published by the Secretary of State of Ohio, which outlines requirements of the most recent ADA Standards for Accessible Design.

(2) Each handicap space may be included in the computation of spaces required by this chapter.

(d) Electric Charging Stations

Electric charging stations are permitted to be located in any approved off-street parking space, in any zoning district.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(e) **Shared or Off-Site Parking**

A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

(1) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.

(2) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.

(3) Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.

(4) Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the MPC as part of a conditional use review.

(5) Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.

(6) In the event that a shared or off-site parking area is located on multiple parcels, a written parking agreement shall be required and must be approved by the ZEO.

(7) No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

(8) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if it complies with the following standards:

A. A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.

B. Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the ZEO, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the users of the parking spaces.

C. Shared or off-site parking shall not account for more than 50 percent of the required parking spaces as established in Section 1112.04(e).

D. Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require review and approval by the ZEO.

E. All shared or off-site parking plans and agreements shall be provided to the ZEO prior to any zoning permit being issued. Such plans and agreements continue to apply to the land, regardless of future ownership.

1112.05 PARKING AND STORAGE OF VEHICLES IN RESIDENTIAL DISTRICTS

(a) No commercial vehicle, with a net capacity rating in excess of two tons; including commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

(b) The parking and storage of recreational vehicles shall be regulated in Chapter 1305: Property Maintenance Requirements of the Codified Ordinances.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1112.06 OFF-STREET LOADING

A permanently paved and maintained area for standing, loading, and unloading of delivery vehicles shall be provided for principal uses in the nonresidential districts. These off-street loading facilities shall be in accordance with the following specifications:

(a) **Number of Spaces**

This code does not require a minimum number of off-street loading spaces. However, uses which receive frequent deliveries are required to provide adequate space, built to the standards as identified in this subsection.

(b) **Size**

Loading spaces shall conform to the following minimum dimensions. Unless otherwise noted, all dimensions are exclusive of any driveway, aisle or other circulation area:

(1) Clearance height: 15 feet

(2) Minimum width: 12 feet

(3) Minimum length: 55 feet

(c) **Location and Activities**

(1) All loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.

(2) Loading spaces are only permitted in side and rear yards.

(3) Off-street loading spaces shall be so arranged that they may be used without blocking, and they shall not obstruct or occupy, any parking space, circulation or drive aisles, sidewalks, or vehicle stacking spaces for drive through lanes.

(4) No loading ramp, dock, door or space, or any portion thereof, shall be located closer than 50 feet from any lot zoned for any residential use, unless located completely within an enclosed building.

(5) An off-street loading space shall not be used for repairing or servicing motor vehicles.

(d) **Access**

(1) All required off-street loading spaces shall have access to a public street or alley in such a manner that any vehicle entering or exiting the premises shall be traveling in a forward motion onto such street or alley.

(2) Each required off-street loading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which shall least interfere with adjacent traffic movements and interior circulation.

(e) **Improvements**

All off-street loading spaces shall be improved as required for all vehicular use areas as set forth in Section 1112.03.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1112.07 STACKING SPACE REQUIREMENTS

(a) Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street stacking areas, on the same lot as the use, in addition to the required number of parking spaces specified in this chapter.

(b) The number of required stacking spaces shall be as provided for in Table 1112-4. See Figure 1112-C for an illustration of stacking spaces:

TABLE 1112-4: STACKING SPACE REQUIREMENTS

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Drive-Through Window
Automatic Vehicle Washing Establishment	6	Outside of Washing Bay
Self-Service Vehicle Washing Establishment	3	Outside of Washing Bay
Fuel Stations	2 per accessible side of the pump island	Fuel Pump
Other	As determined by the ZEO	

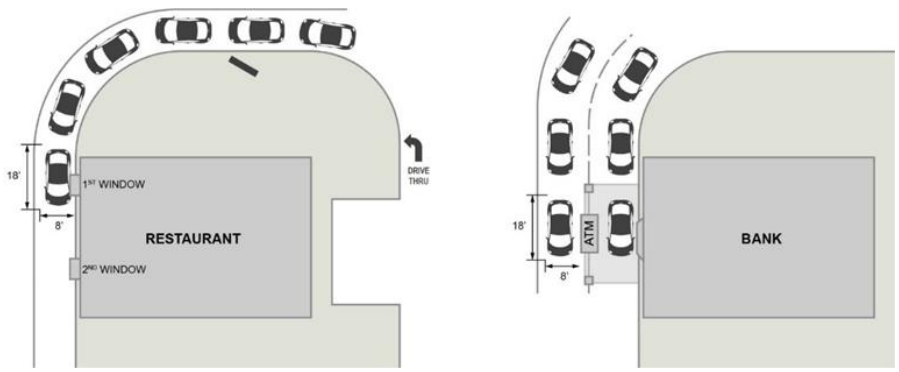

Figure 1112-C: Illustrative example of stacking space requirements for a bank and a restaurant.

(c) Stacking lanes and spaces shall be provided for any use having a drive-through facility and shall comply with the following standards:

(1) Drive-through stacking lanes shall have a minimum width of ten feet and a minimum length of 20 feet for each space required.

(2) When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.

(3) The number of stacking spaces required by Table 1112-4 shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two separate lanes to order at a restaurant converge to one lane after the drive-through sign), the stacking spaces shall be measured in accordance with Table 1112-4 with the spaces located after the convergence point counting toward both stacking lanes.

(4) Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

(d) The ZEO may reduce the number of required stacking spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of stacking spaces does not impede vehicular traffic flow on the site and ingress/egress to the site.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1112.08 SIDEWALKS AND SIDEWALK CONNECTIONS TO A RIGHT-OF-WAY

(a) Public Sidewalks

(1) New public sidewalks, constructed to meet Mount Vernon standards, shall be required along the street frontage of any lot where new sidewalks are recommended in the Mount Vernon Active Transportation Plan.

(2) New sidewalks shall also be required for new subdivisions as required in Section 1114.13.

(b) Internal Pedestrian Access

(1) Where a sidewalk exists in a public right-of-way adjacent to the site, is required to be constructed as part of the development approval, or where a public transit stop is located along any of the applicable site's frontages, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.

(2) The pedestrian connection shall have a minimum width of five feet.

(3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the ZEO. See Figure 1112-D.

Figure 1112-D: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1113: Signs

1113.01 PURPOSE

It is the purpose of this chapter to establish reasonable regulations which preserve the public health, safety, convenience, comfort, prosperity and general welfare of the public, while protecting each person's constitutional right to freedom of speech, as indicated by the following objectives:

(a) To prohibit signs which pose an unreasonable risk to the public safety;

(b) To limit the visual dominance of signs without unconstitutionally restricting the information conveyed;

(c) To provide for reasonable and appropriate methods for locating goods, services, and facilities in all zoning districts by relating the size, type and design of signs to the size, type and design of the uses and districts;

(d) To control the design of signs so that their appearance shall be aesthetically harmonious with an overall urban design for the area;

(e) To promote traffic safety by preventing obstructions within public rights-of-way, minimizing visual distractions to motorists, ensuring that sign size and height are appropriate to their location and preventing conflicts with public safety signs and police and fire protection;

(f) To promote the most desirable developments and economic activity in accordance with the objectives of the City's adopted plans; and

(g) To promote the public right to receive religious, political, economic, social, philosophical and other First Amendment protected messages.

The City does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, §11 of the Ohio Constitution. All regulations in this chapter are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

1113.02 APPLICABILITY

(a) It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain or otherwise alter a sign in the City except in accordance with the provisions of this chapter.

(b) The construction, erection, safety and maintenance of all signs shall be in accordance with the Ohio Basic Building Code, where applicable.

(c) Unless otherwise provided, this chapter shall apply to any sign over which the City has authority to regulate. Additionally, this chapter shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.

(d) Any sign already established on the effective date of this chapter or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section 1113.12.

(e) All signs shall require the issuance of a zoning permit unless otherwise noted below or as specifically stated in other sections of this chapter.

(f) Zoning permits are required where a sign panel is changed in a sign cabinet or other structure designed to have interchangeable panels even if there is not change to the overall sign structure.

(g) **Zoning Permit Exemptions**

The following signs are subject to the requirements of this chapter and are allowed in all districts but do not require a zoning permit. Additionally, any sign area for these signs do not count toward the sign area allowances specified in this chapter for all other permitted signs. Permit-exempt signs, or the structures they are attached to, may still be subject to building codes, the flood damage reduction ordinance of Chapter 1317 of the Codified Ordinance, or other applicable code requirements.

(1) Signs and/or notices issued by any court, officer or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;

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(2) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines, drive-through menu boards, or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;

(3) Any sign that is located completely inside a building and that is not visible from the exterior (See also the definition of "window sign".);

(4) Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not intended to be visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;

(5) Certain temporary signs as established in Section 1113.10;

(6) No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:

A. The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum sign area of 40 square feet for any individual flag attached to the pole.

B. For wall-mounted flags, the maximum projection of the post is six feet and a maximum sign area is 15 square feet per flag.

C. There shall be a maximum of four flag poles permitted on each lot in a nonresidential zoning district and one flag pole permitted on each lot in a residential zoning district.

D. Flag poles may be subject to building code regulations, where applicable.

(7) A single wall sign, mounted flush on the facade of an individual dwelling unit, that is not illuminated and does not exceed two square feet in area;

(8) Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Knox County, or the City of Mount Vernon;

(9) Any signs located on umbrellas, seating or similar patio furniture provided they are located outside of the right-of-way and comply with any other applicable standards of this chapter;

(10) Any sign on a truck, bus or other vehicle that is used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors), for transportation, or signage required by the State or Federal government;

(11) Signs installed or required by a governmental agency including the City of Mount Vernon, Knox County, the State of Ohio, and the United States, including local and regional transit agencies;

(12) Any warning signs or traffic safety signs required by public utility providers;

(13) Hand-held signs not set on or affixed to the ground;

(14) Any address numbers required by Chapter 905 of the Codified Ordinances or by the U.S. Post Office;

(15) Changes of copy on signs with changeable copy including electronic message centers;

(16) Any signs, including illuminated signs, or related decorations erected for celebrations that are not intended to be permanent in nature and which contain no advertising material; and

(17) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

1113.03 PROHIBITED SIGN TYPES

The following types of signs are specifically prohibited within the City:

(a) Unless otherwise specifically allowed, signs that are applied to trees, utility poles, benches, trash receptacles, fences or walls, newspaper vending machines or boxes, or any other unapproved supporting structure, or that are otherwise placed in the public right-of-way;

(b) Any sign or sign structure which, in the opinion of the ZEO or other authorized person, is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;

(c) No sign shall be installed, erected, or attached in any shape, manner, or form to block any fire escape or any door or window that is required ingress and egress for fire safety;

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(d) Pennants, streamers and other similar type devices;

(e) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, except for electronic message centers permitted in accordance with this chapter;

(f) Air-activated graphics;

(g) Laser lights, beacons and searchlights, except for emergency purposes;

(h) Any signs that utilize illumination by means of bare bulbs, flames, or both;

(i) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;

(j) Any sign that violates the intersection visibility requirements of Section 1109.01;

(k) Any sign located in a public right-of-way, except as specifically provided for in the chapter;

(l) Roof signs;

(m) Any other sign type that is not specifically allowed by this chapter.

1113.04 GENERAL REGULATIONS

Unless otherwise specifically stated, the following regulations shall apply to all signs within the City:

(a) All signs shall be professionally manufactured, or of equivalent quality. Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.

(b) The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes. In the event there is a conflict between the provisions of this section and the provisions of any applicable building or electrical codes, the provisions of the more restrictive code shall govern.

(c) No sign or sign structure shall be placed on private or public property without the consent of the owner or agent thereof.

(d) The lowest component of all signs that project (or are supported on posts that project) shall not be less than eight feet above the finished grade of a sidewalk or any other pedestrian way. If located over a pavement used for vehicular traffic or within 18 inches of the vertical projection of the edges of such pavement, the lowest component of the sign shall not be less than 15 feet above the finished pavement.

(e) Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(f) All signs shall be subject to the intersection visibility standards established in Section 1109.01.

(g) The back side of all permanent signs that do not contain a second sign face or structural supports shall be completely enclosed.

(h) **Signs in Rights-of-Way**

(1) Signs shall be prohibited in the right-of-way with the exception of:

A. Signs installed by the City of Mount Vernon, Knox County, the State of Ohio, federal government, or public transit agencies;

B. Any warning signs or traffic safety signs required by public utility providers; or

C. Sidewalk signs as allowed in Section 1113.10.

(2) The ZEO or PMEO may remove or cause to be removed any unlawful sign in the public right-of-way.

(i) **Illumination**

In all zoning districts signs shall be permitted to be illuminated in compliance with the following:

(1) Internal illumination is only permitted in the NC, GB, CB, LI, GI, and PI Districts. All other signs shall be externally illuminated where the lighting source is shielded from view.

(2) No cabinet signs with internal illumination are permitted within the CB District See Figure 1113-A. Other signs of internally illuminated signs are permitted. See Figure 1113-B.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Figure 1113-A: Cabinet signs with internal illumination like the one illustrated in the above image, are prohibited in the CB District.

Figure 1113-B: Reverse-lit channel letter signs (a.k.a., halo signage) (upper left image), internally or non-illuminated channel lettering signs (upper right image), and gooseneck lighting or other external illumination (bottom image) are allowed in the CB District.

(3) Light sources shall be shielded from all adjacent buildings and streets and shall be focused exclusively on the sign.

(4) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or will cause reasonable objection from adjacent residential districts.

(5) An illuminated sign or lighting device shall employ only light of constant intensity.

(6) Internally illuminated signs shall illuminate the sign copy only. All other elements of the sign and its structure shall be opaque so that the background of the sign shall not be internally illuminated.

(7) Electronic message centers are a permitted form of illuminated signs that are allowed as part of permitted signs. See Section 1113.08(a)(5)D for specific standards related to electronic message centers.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1113.05 CALCULATION AND MEASUREMENTS

(a) **Sign Setback**

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

(b) **Sign Height**

(1) The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.

(2) The filling of a hole or depression to create an average grade the same level as that surrounding the hole or depression is permitted, provided such filling is allowed by other ordinances.

(3) When a sign is to be located within 50 feet of the right-of-way and where the normal grade of the location is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See Figure 1113-C.

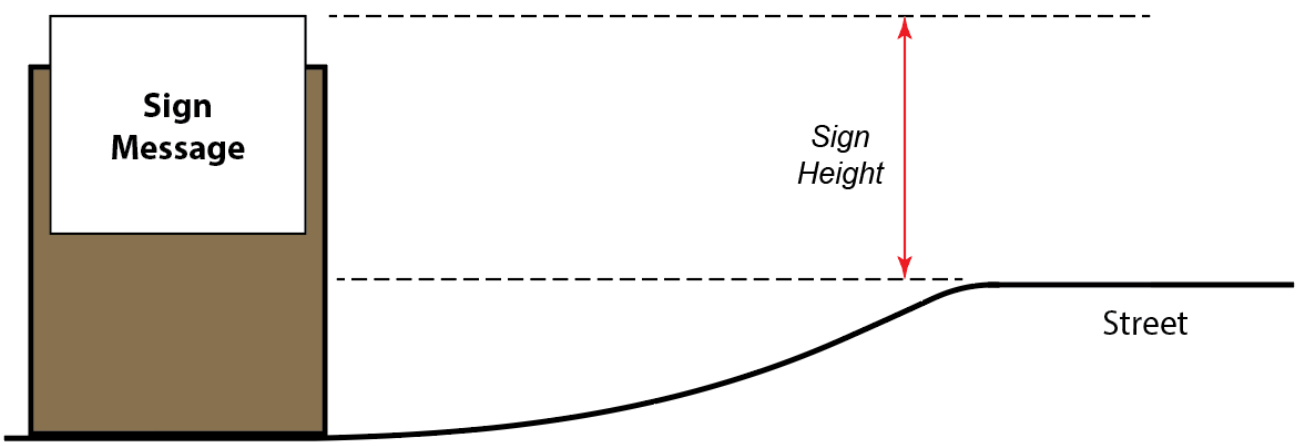

Figure 1113-C: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

(c) **Sign Area**

(1) The calculation of sign area shall not include any supporting framework, bracing or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the ZEO. See Figure 1113-D.

(2) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area that encompasses the extreme limits of the background panel, cabinet, or surface where a message could be displayed. See Figure 1113-D and Figure 1113-E.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

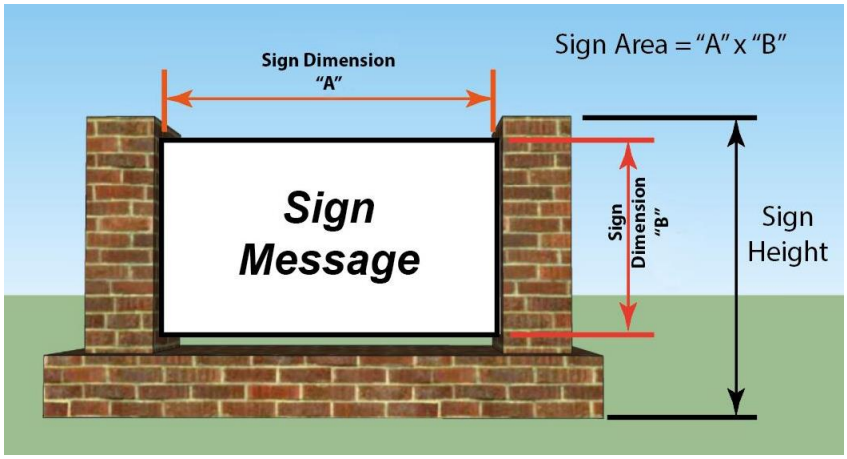

Figure 1113-D: Illustration of sign area calculation for a freestanding sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.

Figure 1113-E: Illustration of computing the sign area for wall signs with a background panel or cabinet.

(3) For sign copy where individual letters or elements are mounted on a building façade or window and there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area that encloses all the letters or elements associated with the sign. See Figure 1113-F.

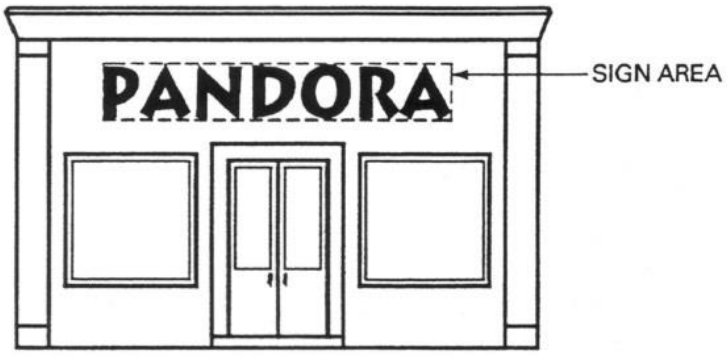

Figure 1113-F: Illustration of sign area calculation for wall signs with individual letters.

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(4) In cases where there are multiple elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area that shall be computed by means of the smallest permitted shape that encloses all sign copy within two feet of one another, otherwise the sign area shall be computed for each separate piece of sign copy. See Figure 1113-G.

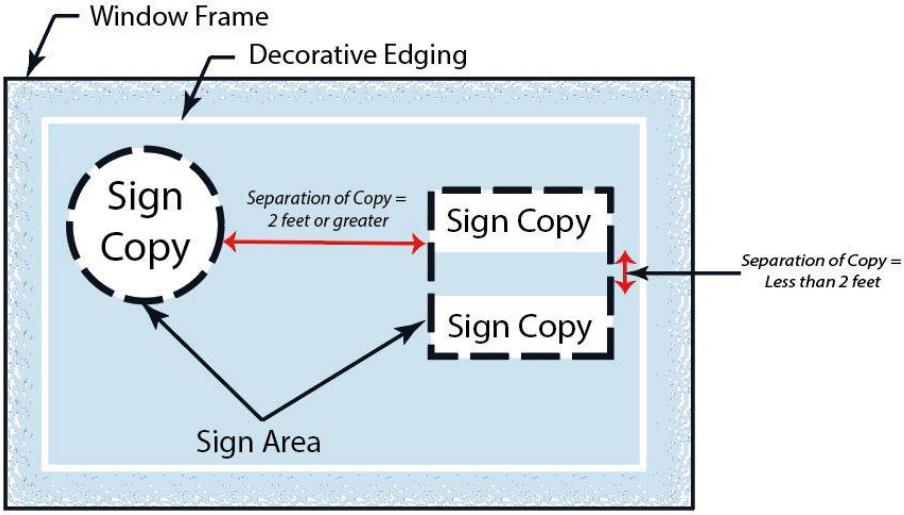

Figure 1113-G: Illustration of sign area calculations for multiple sign areas on a window sign.

(5) When two identically sized, flat sign faces are placed back-to-back or at an angle of less than 45 degree so that both faces cannot be viewed from any one point at the same time, the sign area shall be computed by the measurement of one of the sign faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.

(6) In the case of a three-dimensional sign, where the sign faces are not mounted back-to-back, the sign area shall be calculated by the single smallest permitted shape that encompasses the profile of the sign message. The profile used shall be the largest area of the sign message visible from any one point.

(d) **Facade Measurements**

(1) When calculating the permitted sign area based on the width of any facade, such calculation shall be based on viewing the facade from a 90-degree angle (i.e., straight on) from the adjacent street, regardless of facade insets, offsets or angles. See Figure 1113-H.

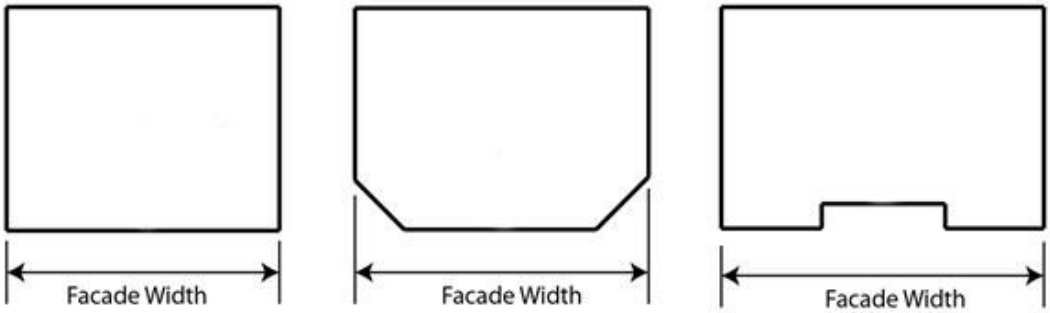

Figure 1113-H: Illustration of facade width measurement on varied facade shapes.

(2) For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. See Figure 1113-I. The building frontage for a tenant space shall be measured from the centerline of the party walls defining the tenant space.

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Figure 1113-I: The above image shows independent buildings (1 and 4) as well as a multi-tenant building in between. The multi-tenant building has two building units as identified as 2 and 3 in the image.

(3) Each building shall have one primary facade for the purposes of signage. The primary facade may be any facade that has frontage along a street or any facade that serves as the main access point to a building or building unit. All other facades shall be considered to be secondary facades for the purposes of this chapter provided such facades do not face a residential zoning district. See Figure 1113-J.

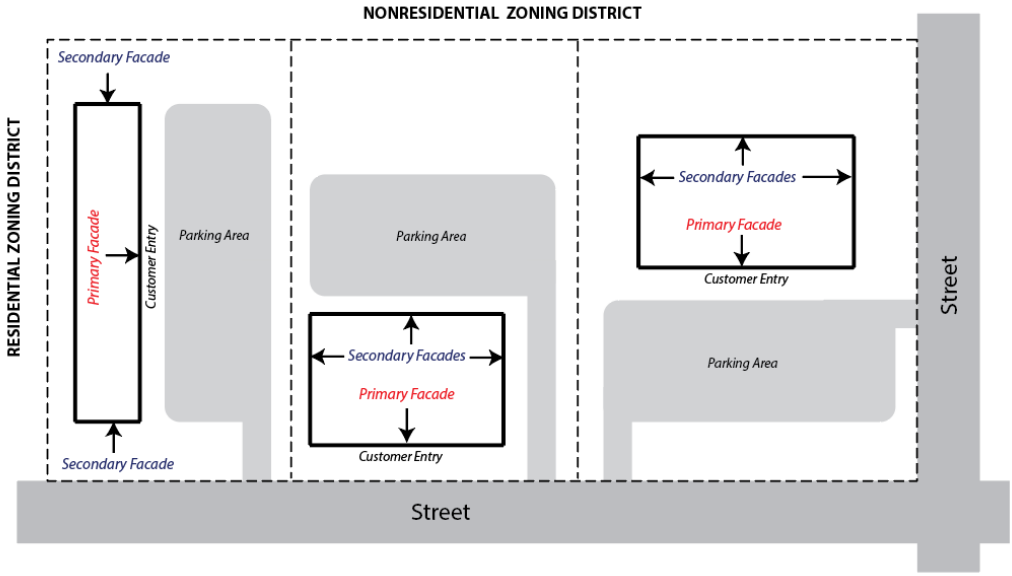

Figure 1113-J: Examples of the location of primary and secondary facades.

(4) When a site has a primary and secondary facade as defined herein, the ZEO shall have the final authority on determining which facade is a primary facade and which is a secondary facade, as may be applicable.

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1113.06 SIGNS PERMITTED IN PD DISTRICTS

(a) All development in a PD District shall be subject to the standards of this chapter unless otherwise modified through the PD review and approval process. In general:

(1) Single-family dwelling uses in a PD shall comply with the sign requirements of the R-1 District.

(2) Multi-family dwelling uses in a PD shall comply with the sign requirements of the R-3 District.

(3) Commercial and office uses in a PD shall comply with the sign requirements of the GB District.

(4) Industrial uses in a PD shall comply with the sign requirements of the LI District.

(5) Public and institutional uses in a PD shall comply with the sign requirements of the PI District.

(b) This section shall apply to both permanent and temporary signs.

1113.07 PERMANENT SIGNS IN RESIDENTIAL ZONING DISTRICTS

The following are permanent signs allowed in the RR, ER, R-1, R-1A, R-2, R-3, and R-4 Districts:

(a) **Signs at Entrances**

Wall signs or ground signs may be permitted for any subdivision or multi-family dwelling development with six or more dwelling units provided that the sign meets the following requirements:

(1) **General Standards**

A. Each sign may have a maximum sign area of 20 square feet for subdivisions or multi-family dwelling developments with 6 to 20 dwelling units and a maximum sign area of 40 square feet for subdivisions or multi-family dwelling developments with more than 20 dwelling units.

B. No such sign, or any portion of the structure, shall exceed eight feet in height.

C. Signs may only be illuminated in accordance with Section 1113.04(i).

D. The signs shall be set back a minimum of 10 feet from the right-of-way and any adjacent lot lines.

(2) **Monument or Ground Sign**

A. A maximum of one permanent monument or ground sign may be permitted for each entrance from a street that is external to the subdivision or development, as determined by the ZEO.

B. The monument or ground sign may be located within a landscaped island that is part of a boulevard entrance is approved by the City Engineer.

C. If an applicant proposes to utilize a monument or ground sign, no wall signs, as allowed in Subsection 1113.07(a)(3), below shall be permitted.

(3) **Wall Signs on Entry Fences, Walls, or Features**

A. A maximum of two wall signs may be permitted for each entrance from a street that is external to the subdivision or development, as determined by the ZEO.

B. The signs shall be mounted to a decorative wall, fence, or architectural feature adjacent to the entrance street.

C. The wall sign shall not be position to extend above the top of the wall, fence, or architectural feature.

D. The placement of wall signs on architectural features shall only be permitted if such architectural feature is approved as part of a PD or a subdivision plat. See Figure 1113-K.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

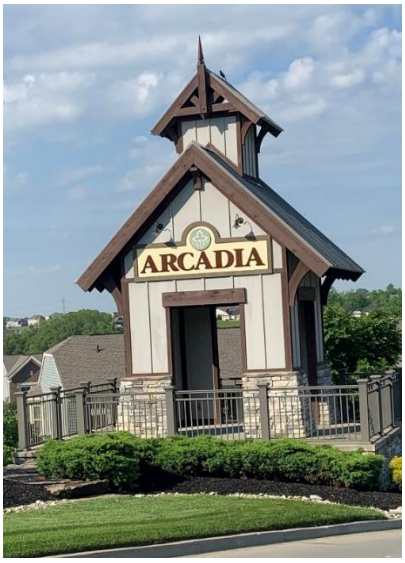

Figure 1113-K: Example of an architectural feature at the entrance of a subdivision.

E. If an applicant proposes to use wall signs, no ground or monument sign, as allowed in Subsection 1113.07(a)(2), above, shall be permitted.

(b) Signs for Nonresidential in Residential Districts

(1) One permanent ground or monument sign may be permitted on a lot containing an approved nonresidential use provided the sign meets the following requirements:

A. The maximum sign area shall be 40 square feet.

B. No such sign or any portion of the structure shall exceed eight feet in height.

C. The sign shall be set back a minimum of 10 feet from the right-of-way and any adjacent lot lines.

D. Signs may only be illuminated in accordance with Section 1113.04(i).

E. Electronic message centers are permitted but the electronic message center portion of the signs shall not exceed 20 square feet of the sign area and shall comply with the standards of Section 1113.08(a)(5)D.

(2) Buildings signs shall be permitted on a lot containing an approved nonresidential use provided the signs meet the same requirements for building signs in the PI District in Section 1113.08(b).

(3) Driveway signs shall be permitted in the same manner as nonresidential districts in Section 1113.08(c).

1113.08 PERMANENT SIGNS IN NONRESIDENTIAL ZONING DISTRICTS

The following standards apply to signs on lots in the NC, CB, GB, OB, LI, GI, and PI Districts:

(a) Freestanding Signs

All freestanding signs in nonresidential zoning districts shall meet the following requirements:

(1) The freestanding signs shall be set back a minimum of 10 feet from the right-of-way and 10 feet from any adjacent lot lines.

(2) Only one freestanding sign shall be permitted along each public street frontage.

(3) Both monument and ground signs are permitted types of freestanding signs in all districts except the CB District where only monument signs are permitted.

(4) The maximum sign area and sign height shall be as established in Table 1113-1.

(5) Where changeable copy signs are allowed pursuant to Table 1113-1, such signs shall be regulated as follows:

A. The changeable copy sign may be either an electronic message center or a manual changeable copy sign. Each freestanding sign may only use one type of changeable copy sign.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

B. The changeable copy sign area shall be counted toward the total freestanding sign area allowed in Table 1113-1.

C. The maximum sign area allowed as a manual changeable copy sign area shall be 15 square feet. The maximum sign area allowed as an electronic message center shall be 24 square feet.

D. Electronic message centers shall be subject to the following standards:

i. Any message on an electronic message center shall remain static for a minimum of 8 seconds. The transition interval between messages shall be accomplished within 1 second or less and no animation is permitted during the transition.

ii. The complete message must fit on one screen.

iii. The electronic message center shall be set back a minimum of 100 feet from any lot that contains a residential use.

iv. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.

v. Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message sign.

vi. Audio emissions from electronic message centers shall be prohibited.

(6) Where a freestanding sign serves multiple tenants or uses, it shall be the responsibility of the property owner to determine the messaging on the sign.

(7) Exposed sign foundations shall be constructed with a finished material such as brick, stone or wood.

TABLE 1113-1: FREESTANDING SIGN ALLOWANCES

Zoning District	Maximum Sign Area	Maximum Sign Height	Changeable Copy Sign Allowed
NC	24 Square Feet	6 Feet	Yes (Manual Changeable Copy Sign Only)
CB [1]	20 Square Feet	6 Feet	No
OB	20 Square Feet	6 Feet	No
GB	40 Square Feet for Lots with Less Than 200 Feet of Lot Width [2]	8 Feet for Lots with Less Than 200 Feet of Lot Width [2]	Yes
	80 Square Feet for Lots with 200 Feet or more of Lot Width [2]	20 Feet for Lots with 200 Feet or more of Lot Width [2]	Yes
LI	60 Square Feet	15 Feet	Yes
GI	60 Square Feet	8 Feet	Yes
PI	40 Square Feet	6 Feet	Yes

NOTES:
[1] Monument signs are not permitted to be located on any frontage along Main Street or along Public Square. On all other frontages, a monument sign shall only be permitted where there is a parking lot or a building setback greater than 10 feet.
[2] See Section 1113.08(a)(8), below regarding lots widths for the purposes of signs.

(8) For the purposes of measuring lot width for this section on freestanding signs, the lot width shall be measured along a straight line that runs parallel with the street frontage at the widest point of the lot. This measurement shall be regardless of the presence of driveway entrances to the lot or the presence of smaller outlots in front of the applicable lot. See Figure 1113-L.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

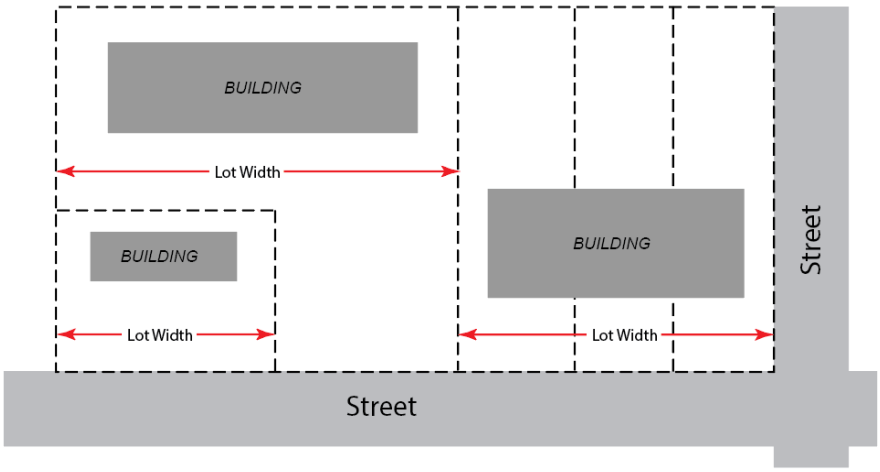

Figure 1113-L: The above image illustrates different methods of measuring lot width when calculating the amount of freestanding sign area permitted on a lot.

(9) **Landscaping Permanent Freestanding Signs**

A. All permanent freestanding signs shall be located in a landscaped area equal to the total sign area of the applicable sign or 40 square feet, whichever is more. Such landscaped area may be an area that fulfills any landscaping requirements of this code.

B. The landscaped area shall include all points where sign structural supports attach to the ground.

(b) **Building Signs**

Building signs are permitted on all principal buildings in accordance with the following:

(1) The building sign area allowed in this code shall include the total amount of all awning, canopy, marquee, projecting, wall, or window signs on each primary and secondary façade, where applicable. Standards for each individual building sign type are established in this section.

(2) Building signs shall also be subject to any applicable standards for building sign types in Section 1113.08(b)(7).

(3) Building signs shall not extend above the top of the roofline of the building to which it is attached.

(4) Building signs may not be attached to mechanical equipment or roof screening.

(5) Building signs may be illuminated in accordance with Section 1113.04(i).

(6) **Size**

A. The following is the maximum amount of sign area for all building signs permitted on the primary and secondary façades of a building, where applicable, based on the zoning district:

i. 1.0 square feet of sign area per lineal foot of primary facade width; and

ii. 0.5 square feet of sign area per lineal foot of secondary facade width.

B. Additional building sign area shall be permitted when the primary facade is setback greater than 250 feet from the right-of-way. The additional building sign area shall not exceed 0.25 square feet of building sign area per lineal foot of the primary façade width, not to exceed an additional 25 square feet of sign area.

C. For buildings with multiple building units, the ratio shall be applied to each lineal foot of building facade width assigned to each individual building unit. If there is no clearly established delineation of building unit space on the exterior of the façade, the amount of building signage shall be based on the total façade width, to be divided by the property owner or agent.

D. Building signs shall not be permitted on secondary facades if the secondary facade faces an adjacent lot in a residential zoning district or an adjacent lot that contains a residential dwelling unit.

E. There is no maximum number of building signs but the total square footage of building signs located on a single facade shall comply with the requirements of this section.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

F. The amount of building signs permitted shall be based on the facade width of the principal building.

G. The maximum building sign area provided for in this section shall apply to building signs, regardless of the message.

(7) <u>Standards for Permanent Building Sign Types</u>

A. Wall Signs

i. Wall signs shall be mounted on or flush with a wall and shall not protrude more than 24 inches from the wall or face of the building to which it is attached.

ii. A wall sign may be painted directly on a building wall, mounted on the facade wall, or mounted on a raceway.

iii. Cabinet style wall signs are prohibited in in the CB District.

B. Awning, Canopy, or Marquee Signs

Any canopy, awning, or marquee sign allowed pursuant to this section shall comply with the following standards:

i. Signage shall not cover more than 50 percent of any individual awning, canopy, or marquee.

ii. A sign may be mounted above a canopy provided that the top of the sign does not exceed the height of the roofline of the building.

iii. Marquee signs may include manual changeable copy signs.

C. Projecting Signs

i. Only one projecting sign shall be permitted for each tenant on each street frontage where the tenant has a building unit with an exterior entrance.

ii. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.

iii. Projecting signs shall maintain a minimum six-inch clearance from the façade of any building.

iv. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.

v. The maximum sign area for a projecting sign shall be six square feet.

vi. Projecting signs must be suspended from brackets that comply with any applicable building code and contain no exposed guy wires or turnbuckles.

vii. Projecting signs may project over a sidewalk in a right-of-way provided that there shall be a minimum of two feet between the curb and the nearest point of the sign.

viii. Projecting signs shall comply with the clearance standards of Section 1113.04 when extending over the right-of-way, private walkway, or over any internal drive with vehicular access.

D. Window Signs

i. Window signs shall not occupy more than 50 percent of the window area in any NC, GB, LI, GI, or PI Districts or no more than 25 percent of the window area in the OB or CB Districts.

ii. Window signs require a zoning permit in the same manner as all other building signs.

iii. Window signs shall be limited to the first floor of a building unless allowed as a temporary sign in Section 1113.10.

iv. Window signs may be temporarily or permanently attached to the window surface. If window signs are intended to be temporary and replaced in a routine manner, then a zoning permit shall only be required for the initial installation of the window sign.

v. Window signs shall not be illuminated except when illuminated by an external lighting source.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

vi. Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this chapter. See Figure 1113-G.

vii. The sign area is based on the total window area, regardless of the presence of an awning. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. See Figure 1113-M.

Figure 1113-M: The window area is illustrated within the dashed line area for the two storefronts in the above image.

(c) Driveway Signs

(1) A maximum of two signs shall be permitted for any one driveway.

(2) Driveway signs shall be set back at least five feet from all lot lines but in no case shall the sign be set back more than 25 feet from the edge of the driveway where it intersects with the public street.

(3) Each driveway sign shall not exceed four square feet in sign area. The maximum height shall be six feet in the LI and GI Districts and four feet in all other zoning districts.

(4) Driveway signs may be internally or externally illuminated.

(5) The sign area of driveway signs shall not be counted as part of any other sign allowance in this chapter.

1113.09 MASTER SIGN PLAN

The master sign plan allowance established herein is to provide for the consideration of additional permanent signage for large-scale nonresidential and mixed-use developments.

(a) Applicability

(1) A master sign plan may be submitted for developments that meet one of the following thresholds:

A. A nonresidential development or a mixed-use development that contains more than 300,000 square feet of floor area; or

B. A nonresidential development or mixed-use development is located on a single parcel that is 25 acres or larger.

(2) For the purposes of this applicability section, a mixed-use development shall be considered any development where the majority of the floor area of the ground floor contains nonresidential uses.

(b) Master Sign Plan Requirements and Standards

(1) Master sign plans shall be reviewed by the MPC and a decision made at a public meeting.

(2) A master sign plan is intended to promote consistency among signs within a development, improve wayfinding around the site, and enhance the compatibility of signs with the architectural and site design features within a development, as well as with the surrounding neighborhood.

(3) Master sign plans may include the following signage in additional to the sign allowances established in the rest of this chapter:

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

A. One additional freestanding sign with a maximum sign area of 40 square feet and a maximum height of 8 feet; and

B. A 25 percent increase in the maximum building signage allowance beyond what is allowed in for building signs in the applicable code.

(4) An application for review of a master sign plan shall include:

A. A master sign plan, drawn to scale, delineating the site proposed to be included within the master sign plan and the general locations of all permanent signs including freestanding and building signs and the lot lines, buildings and roadways;

B. Drawings and/or sketches indicating the dimensions in square feet, location and sign area for all the permanent signs;

C. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, awning signs, canopy signs, projecting signs, window signs or other building signs are proposed;

D. Samples or photos of colors and materials to be used for signs and the relationship to the building materials; and

E. Information regarding the illumination of any signs.

(c) **Review Criteria**

(1) In order for the MPC to approve a master sign plan, it must find all of the following:

A. That the master sign plan's contribution to the design of the site and surrounding area will be superior to the quality that would result under the regulations and standards of this article;

B. That the signs proposed as part of the master sign plan will create a uniform sign package for the site related to materials, lighting, design and other features of the individual signs; and

C. That the proposed signs are compatible with the style or character of improvements and are well-related to each other in terms of location and spacing.

(2) The MPC may impose reasonable conditions to a master sign plan necessary to carry out the intent of this article.

(3) No zoning permits or other permits required for the construction of any sign shall be issued unless the sign is in compliance with the approved master sign plan.

(4) An approved master sign plan may only be amended or modified through the same review process required for its approval.

1113.10 TEMPORARY SIGNS

The following are the types of temporary signs allowed in the City of Mount Vernon, including any applicable regulations for each type of sign.

(a) **Standards Applicable to All Temporary Signs**

(1) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.

(2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.

(3) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.

(4) Unless otherwise specifically stated, temporary signs shall not be illuminated.

(5) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.

(6) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with this section or when such sign is attached to the principal building as permitted in this chapter.

(7) No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of, or attachments to, temporary signs.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(8) Where a temporary sign is designed to have two sign faces (sidewalk signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame sidewalk sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.

(9) Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.

(10) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such a sign is deteriorated.

(11) Temporary signs shall not be located in the right-of-way. Where the right-of-way is unknown, the temporary sign shall be set back a minimum of 10 feet from the edge of any street pavement.

(b) Temporary Signs Allowed without Zoning Permits

(1) Table 1113-2 establishes the allowances for temporary signs in all zoning districts. All sign types are subject to the general provisions above and the sign-type standards that follow the table.

TABLE 1113-2: TEMPORARY SIGN ALLOWANCES

Zoning Districts	Residential	Nonresidential
Time Limit	Unrestricted	Unrestricted
Maximum Sign Area per Lot [1]	36 Square Feet	36 Square Feet
Maximum Sign Area per Individual Sign [1]	16 Square Feet	16 Square Feet
Maximum Height	5 Feet	5 Feet
Permitted Sign Types	Banner, Window, or Yard	Banner, Window, Sidewalk, or Yard
Zoning Permit Approval Required	No	No

NOTE:
[1] The provisions of this requirement are as stated in the table unless otherwise allowed for in the applicable sign type standards below.

(c) Additional Temporary Signs Allowed with Zoning Permits

The following additional temporary signs are permitted provided a zoning permit is approved for the signs:

(1) For zoning permit applications related to the establishment of a new use or change of use within an existing building, where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign.

(2) In addition to the temporary signs allowed in Table 1113-2, above, one additional temporary sign is allowed for up to 14 consecutive days per quarter in nonresidential zoning districts with the following provisions:

A. A quarter shall be defined as evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).

B. The sign shall be limited to balloon, banner, feather, and yard signs.

C. The maximum sign area shall be 36 square feet.

D. The maximum sign height shall be 10 feet.

(d) Temporary Sign Type Standards

(1) Banner Signs

A. Banner signs shall not be subject to the maximum height requirements of this section provided they are not attached above any roofline.

B. Banner signs can be affixed to a building but not to a fence, unless such fence is enclosing an outdoor dining area adjacent to the building.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(2) Feather Signs

A. Feather signs are prohibited in the CB District.

B. Only one feather sign shall be permitted for any lot. If a lot has more than 100 feet of lot frontage along a public street, one additional feather sign shall be permitted at the same time as the initial feather sign.

C. The maximum height of a feather sign may exceed the maximum height in the temporary sign allowance table but in no case shall exceed 10 feet in height.

(3) Sidewalk Signs

A. Only one sidewalk sign is allowed for each building unit.

B. The sidewalk sign shall be limited to an A-frame sidewalk sign or a T-frame sidewalk sign.

C. There shall be no time limitation for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.

D. Sidewalk signs shall not exceed six square feet in area with a maximum height of four feet.

E. The sign shall not be placed on pavement used for vehicles (e.g., driveways and parking lots) or in landscaped areas.

F. When placed on a public or private sidewalk, the width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.

G. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, or other structure.

H. The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.

I. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.

J. The sign shall be internally weighted so that it is stable and windproof.

K. The City of Mount Vernon shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

(4) Window Signs

A. Temporary window signs may be placed inside windows of residential uses in all zoning districts.

B. Temporary window signs utilized in nonresidential uses shall be regulated in accordance with Section 1113.10.

(5) Yard Signs

Temporary yard signs are prohibited in the right-of-way and shall be set back a minimum of 10 feet from adjoining lot lines.

1113.11 MAINTENANCE OF SIGNS AND SIGN STRUCTURES

(a) All signs, together with all supports, braces, guys, and anchors, shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts or materials, painting, repainting, cleaning and other acts required for the maintenance of said sign and accessory landscaping.

(b) The display surfaces of all signs shall be subject to periodic inspection.

(c) All signs and sign structures shall be maintained in a safe and attractive condition in accordance with Part Thirteen of these Codified Ordinances, the Ohio Building Code, or both, as applicable.

(d) It shall be the responsibility of the property owner, or other entity having legal control or interest of the property, to maintain all signs and sign structures in accordance with this code.

(e) Signs shall be maintained in a manner that prevents the exposure of any internal elements through the replacement of broken panels or elements or the removal of the sign structure or components.

(f) Failure to maintain a sign in accordance with this section shall be a violation of this code, subject to 0

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(g) Enforcement and Penalties.

1113.12 NONCONFORMING SIGNS

(a) Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified in this subsection. No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except as allowed for in this section, and the nonconforming structure regulations in Chapter 1115: Nonconformities.

(b) A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations or be removed if:

(1) The sign is structurally altered or replaced, but not including the updating of sign copy without any structural changes to the sign cabinet or the changing of a sign face when the sign is specifically designed for changeable copy (electronic or manual);

(2) The sign is relocated, except signs that are required to be moved because of public right-of-way improvements;

(3) If the nonconforming sign is no longer an on-premise sign;

(4) The sign is a legally nonconforming temporary sign that is still in place more than one calendar year from the effective date of this code;

(5) The sign is damaged to an extent of greater than 50 percent of the estimated replacement value;

(6) The sign is damaged to an extent of less than 50 percent of the estimated replacement value but is not repaired within 60 days after it is damaged; or

(7) The sign creates a hazard to vehicular or pedestrian traffic, or to adjoining properties.

(c) Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from compliance with the provisions of these regulations regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way. All nonconforming signs shall be maintained properly and shall be subject to Section 1113.11

1113.13 REMOVAL OF SIGNS AND SIGN STRUCTURES

(a) In the event that a sign, sign structure, or both are deemed by the ZEO, PMEO, SSD, or City Engineer to be a serious hazard, such hazard shall be abated in accordance with Part Thirteen of these Codified Ordinances, the Ohio Building Code, or both, as applicable.

(b) The ZEO, PMEO, SSD, or City Engineer, as applicable shall determine the level of risk and recommend deadlines for compliance to the ZEO who shall be responsible for notification of the hazard and deadlines for repair or removal.

(c) In the event of a determination of imminent threat to life-safety, the ZEO may cause such sign, sign structure, or both to be removed summarily and without notice. The person, firm, or corporation having property ownership or other legal control of the sign, sign structure, or both, shall be individually and separately liable for the expense incurred in the removal of such sign, sign structure, or both.

(d) Where there is no imminent threat to life-safety, the ZEO shall notify, in writing, the owner of the property on which the sign is located. Upon receiving notification that a sign has been determined to be a hazard, the owner shall have the sign removed within 30 days, or shall file an appeal to the BZA in accordance with Section 1103.07. The filing of such an appeal shall stay the time for removal of the sign pending a final decision of the BZA. If thereafter the property owner does not remove the sign, the ZEO shall take appropriate steps to have the sign removed and bill the property owner. If the bill is not paid, the costs will be incorporated into a lien on the property and collected with property taxes.

(e) The provisions of this section shall not be construed to prevent the repair or restoration to a safe condition of such hazardous conditions subject to safeguards and approvals in accordance with applicable codes.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1114: Subdivision Design

1114.01 PURPOSE

The purpose of this chapter is to:

(a) Establish standard requirements, conditions, and procedures for the design and review of subdivisions;

(b) Provide for the orderly subdivision of land;

(c) Encourage the wise use and management of land and natural resources throughout the City;

(d) Ensure that adequate public infrastructure, facilities, and services are available concurrent with development;

(e) Encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and provide for the proper location and design of streets;

(f) Provide adequate utility systems to support the future needs of residents and the community; and

(g) Promote efficient and logical placement of utility structures so as to promote the public health, safety, convenience, comfort, prosperity, morals and general welfare of the City.

1114.02 APPLICABILITY

(a) The developer of a subdivision, or the developer of a multi-family development or nonresidential development requiring public improvements, shall dedicate all land required for rights-of-way and shall furnish and install all required improvements serving the subdivision or development in accordance with the provisions of this chapter.

(b) All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with adopted plans or policies of the City of Mount Vernon.

1114.03 CONFORMITY TO DEVELOPMENT PLANS, ZONING, AND ENGINEERING STANDARDS

(a) The arrangement, character, extent, width, grade and location of all streets and improvements shall conform to adopted plans or policies related to public improvements. These plans shall be considered in their relation to existing and planned streets, topographical conditions, public convenience, and safety as well as in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on adopted plans, the arrangement and other design standards of streets shall conform to this chapter.

(b) Any plans or documents submitted for subdivision or development approval shall comply with the City's standard drawings and specifications, and any subsequent amendments.

1114.04 SALE OF LAND IN SUBDIVISIONS, START OF CONSTRUCTION, AND PERMITTING

(a) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, by exhibition of, or by the use of a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations.

(b) Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

(c) The ZEO shall not issue zoning permits for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

(d) No owner, or agent of the owner, of any land shall be entitled to a permit for the installation of wells or septic tanks upon any lots in a subdivision for which a plat has not been approved, certified, and recorded in the manner prescribed in this code.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1114.05 RESPONSIBILITY AND TIMING FOR PUBLIC IMPROVEMENTS

(a) All public improvements shown on the subdivision plats are the responsibility of the subdivider, unless otherwise expressly indicated, and shall be installed in accordance with this chapter.

(b) The subdivider shall be required to construct the public improvements prior to the recording of the final plat. In lieu of actual construction of the physical improvements, the subdivider may assure completion of construction by furnishing a financial guarantee in accordance with Section 1114.06 in an amount equal to the City Engineer's estimate of the cost of the construction of the physical improvements within the portion of the subdivision submitted for recording. Actual construction shall be as shown on the public improvement plans and in accordance with this chapter.

(c) **Protection of Streets, Utilities, and Other Installations**

(1) The subdivider shall provide the City Engineer with a plan for the routing of construction equipment and traffic with the objective of alleviating any need to traverse adjacent off-site residential streets. In exceptional cases, where no reasonable alternative exists or can be provided, construction equipment may be permitted the use of collector streets for a predetermined time period. The contractor shall be permitted to operate only pneumatic-tired equipment over any paved street surfaces and shall be responsible for correction of any damage to street surfaces in any manner resulting from the contractor's operation. The City Engineer may permit non-pneumatic tired equipment in special circumstances with a Street Opening Permit per Section 901.02 of the Codified Ordinances.

(2) The subdivider and their contractors shall protect the pavement against all damage prior to final acceptance of the work, including damage created by the contractor's construction equipment and vehicles, as well as general traffic. As soon as curing and sealing are completed, the contractor shall clean the pavement free of all debris and construction equipment.

(3) The subdivider and their contractors shall at all times protect and mark all utilities constructed by the subdivider and their contractors until as-built drawings are submitted to and approved by the City Engineer.

(4) The subdivider and their contractors shall at all times take proper precautions for the protection of utility lines, the presence of which can be determined by contacting the Ohio Utilities Protection Service (OUPS). The subdivider shall be financially responsible for the repair of any damage to such utility lines.

1114.06 FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

(a) The subdivider or developer shall execute financial guarantees and shall file such financial guarantees with the City prior to approval of a zoning permit or certification of a final plat, if the applicant does not propose to construct the required public improvements or private streets prior to receiving certification of the final plat or approval of the zoning permit. Such financial guarantee shall take any form allowed in Section 1114.06(g).

(b) The financial guarantee shall be an obligation for the faithful performance of any and all work and the construction and installation of all public improvements required to be done by the subdivider, together with all engineering and inspection costs and fees incurred by the City.

(c) When, in the judgment of the City Engineer, public improvements have been completed in accordance with the improvement plans as approved by City, City Council shall, at the recommendation of the City Engineer, accept such improvements and authorize the full or partial release of the financial guarantee.

(d) The terms of such financial guarantees shall be determined by the City's Law Director, with confirmation by the City Engineer.

(e) Financial guarantees shall be made payable to the City of Mount Vernon and shall be acceptable to the City Engineer, the City's Law Director, and the City Auditor.

(f) Incomplete public improvements that the City Engineer determines will constitute a safety hazard or maintenance issue, or will prevent the effective functioning of the public improvements, shall be required to be completed prior to the approval of a final plat.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(g) Types of Financial Guarantees

The following are the types of financial guarantees allowed by the City. The standards for each type of guarantee shall apply to any situation where a financial guarantee is required, regardless if it is related to a subdivision application or not.

(1) Certified Check or Wire Transfer

The following standards shall apply if cash is utilized as a financial guarantee:

A. The subdivider shall provide a certified check or wire transfer for the amount of the guarantee, payable to the City of Mount Vernon and posted with the City Auditor.

B. When the public improvements are complete, the City shall issue a check for the released amount based on this subsection.

C. The City shall not be responsible for paying interest for the period of time the City retains the guarantee.

(2) Irrevocable Letter of Credit

The following standards shall apply if an irrevocable letter of credit is utilized as a financial guarantee:

A. The subdivider shall provide an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the Law Director and City Engineer.

B. The letter shall be deposited with the City, and shall certify the following:

i. The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with Section 1114.06, for completion all required public improvements.

ii. In the case of failure on the part of the subdivider to complete the specified public improvements within the required time period, the creditor shall pay to the City immediately and without further action such funds as are necessary to finance the completion of those public improvements, up to the limit of credit stated in the letter.

iii. This irrevocable letter of credit may not be withdrawn or reduced in amount until released by the City Engineer in accordance with this chapter.

(3) Bonds

The following standards shall apply if a bond is utilized as a financial guarantee:

A. A bond in the amount determined in accordance with this section shall be posted with the City Auditor.

B. The bond may be in the form of a surety bond or a cash bond of the kind approved by law for securing deposits of public money.

C. The bond shall be executed by the subdivider as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio.

D. The bond shall provide that it cannot be terminated or canceled without the approval of the City, and shall remain in force until such improvements have been accepted by City Council.

1114.07 DEVELOPER'S AGREEMENT

(a) As part of any major subdivision or any development that requires the installation of public utilities, a subdivider or applicant will be required to enter into developer's agreement. Such agreement shall be submitted as part of the improvements plan and shall include, at a minimum:

(1) The timing of the construction of public improvements, including estimates for inspections;

(2) Estimated costs and fees, as required by this code including, but not limited to, pavement guarantees, and inspection fees;

(3) Financial guarantee agreements, including the length of the guarantee;

(4) Protection requirements for existing street, utilities, and other installations;

(5) That the applicant will hold the City free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his or her cost and expense, any suit or action brought against the City by reason thereof, until the improvement has been accepted by the City;

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(6) That in the event of any violation of or noncompliance with any of the provisions and stipulations of the agreement, the City may stop the work forthwith and complete or cause the completion of such improvements according to the approved plat and agreement, and that in such event, the owner shall reimburse the City for any and all expenses incurred thereby; and

(7) Any additional information or requirements as deemed necessary by the City Engineer.

(b) The developer's agreement shall be approved as to content and form by the City's Law Director, with confirmation by the City Engineer, prior to approval of the final plat.

1114.08 GENERAL DESIGN REQUIREMENTS

(a) **General Suitability of Land for Development**

If the MPC and City Council find that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as may endanger health, life or property, and if, from investigations conducted by the public agencies concerned, it is determined that, in the best interest of the public, the land should not be developed for the subdivision proposed, the MPC and City Council shall not approve the land for the purpose unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

(b) **Community Assets**

In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and watercourses, for sites which have historical significance and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the community.. The MPC may prepare a list of all such features within its area of subdivision jurisdiction which it deems worthy of preservation.

(c) **Public Open Spaces**

Where a school, neighborhood park, recreation area or public access to water frontage, which is shown on an official map or in a plan for future land use made and adopted by the MPC, is located in whole or in part in the applicant's proposed subdivision, the Commission may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation or other public purposes.

(d) **Large Tracts or Parcels**

When land is subdivided into larger parcels than ordinary building lots as required by the applicable zoning district, such parcels shall be arranged so as to allow for the opening of future streets and logical resubdivision.

(e) **Topography, Floodplain Areas, Wetlands, and Natural Areas**

(1) Natural amenities (including views, creeks, riparian corridors, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.

(2) All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform to all applicable floodplain regulations and the requirements of adopted regulations involving the City's participation in the National Flood Insurance Program.

(3) Whenever any stream or important surface drainage course is located in the area being subdivided and open drainage is permitted, the owner shall provide an adequate easement for benefit of the proper political subdivision along each side of the stream or open drainage course for the purpose of widening, deepening, relocating, improving or protecting the stream or open drainage course for drainage or water control.

(4) Land which is determined by the MPC to be unsuitable for subdivision or development due to flooding, the presence of State and Federal Jurisdictional Waters or Wetlands, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by Council, upon recommendation by the MPC and upon advice of the City Engineer.

(5) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(6) Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing trees and other pertinent site features.

(7) The City reserves the right to disapprove any subdivision which is subject to periodic flooding or which contains extremely poor drainage facilities. However, if the owner agrees to make such improvements as will make the area completely safe for residential occupancy, the subdivision may be approved, subject, however, to the approval by Knox Public Health.

(f) Subdivision Names

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City or Knox County. The City shall have final authority to designate the name of the subdivision.

(g) Traffic Control Devices

The subdivider shall provide all traffic control devices for the proposed development during construction and after construction is complete, including, but not limited to, temporary and permanent traffic signals, signs, pavement markings and the like, unless otherwise agreed upon as part of the developer's agreement (See Section 1114.07.). Refer to the City of Mount Vernon Standards and the Ohio Manual of Uniform Traffic Control Devices (OMUTC) for details of the devices to be used, and, in some cases, warrants for their use.

(h) Debris and Waste

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the zoning compliance inspection. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

(i) Monuments

(1) Concrete monuments at least 36 inches in length and four inches in diameter or four inches square shall be set at all corners on the plat. The top of the monument shall be flat and shall have an indented cross to properly identify the location. Except in cases where it is deemed clearly unreasonable or infeasible by the City Engineer, these monuments shall be described on the final plat.

(2) An iron pin of one-half inch minimum diameter or iron pipe monuments not less than three-fourths of an inch in diameter and not less than 36 inches in length shall be set at all lot corners not marked by concrete monuments at all street corners, at all points where street lines intersect and the exterior boundaries of the subdivision and at all intersections of curves and tangents along street lines.

(3) At the discretion of the City Engineer and within the definition of the Ohio Revised Code, additional markers may be required.

(j) Condominiums

The owners or agents of any tract of land, which is to be developed and maintained under single ownership or which is to be subdivided as a condominium, shall submit to the MPC a development plan, improvement plans and plats. Approval of plats, etc., shall follow the standard procedures provided in Chapter 1103: Review Procedures, provided, however, that the following conditions are met:

(1) The plan is consistent with the intent and purposes of this code to promote public health, safety, morals and general welfare;

(2) The grade width and degree of improvement of all access drives, sewers, water lines, and other utilities are approved by the MPC, the City Engineer, and the Fire Chief;

(3) The building or buildings shall be used only for the uses permitted in the zoning district in which they are located;

(4) For residential condominiums, the average lot area per family, exclusive of the area occupied by private streets or drives, shall not be less than that required by the respective zoning districts; and

(5) For residential condominiums, the setbacks from public streets and the required side and rear yard sizes for multiple dwellings shall be provided. Multiple buildings or a single building may be constructed within the buildable area of the total tract. The minimum distance between multiple buildings shall be determined by the MPC.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1114.09 BLOCKS

(a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section 1114.12 and shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in this code.

(b) Subdivisions shall be designed with blocks of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, arterial street, or railroad right-of-way.

(c) Irregularly shaped blocks, including superblocks, indented by cul-de-sacs, containing interior parks or playgrounds and adequate parking spaces, will be acceptable when properly designed and covered by agreements as to maintenance of such park areas.

(d) Blocks shall have a minimum length of 400 feet and a maximum length of 1,100 feet. In reviewing the subdivision plat, the MPC can modify these requirements for blocks that will be located adjacent to nonresidential uses or where there are unusual topographic or natural features.

(e) Blocks intended for business or industry shall be of such length as may be considered most suitable for their prospective use, including adequate provision for parking and deliveries.

(f) Where a subdivision adjoins a major thoroughfare, the block shall be oriented so that there will be the fewest points of direct ingress and egress along such major thoroughfare as possible.

1114.10 LOTS

(a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites that can accommodate a structure and required setbacks in the applicable zoning district. Lots shall also be arranged so that all lots will have frontage on a public street or road and will provide building sites properly related to topography and the character of surrounding development.

(b) The lots shall be generally rectangular in form. Triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible unless the applicant can demonstrate special circumstances requiring irregular lots to the MPC.

(c) All side lot lines shall be at right angles to street lines and radial to curved street lines except where the MPC determines that a variation to this rule will provide a better street and sublot layout.

(d) Lots shall be subject to the provisions of Section 1105.05, and shall be of sufficient width to permit the required building setbacks.

(e) Excessive length in relation to width shall be avoided.

(f) Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

(g) Where compliance with the site development standards of Section 1105.05 will result in a requirement for a greater lot area or width than the standards set forth herein, the more restrictive requirement shall take precedence and shall be required.

(h) Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger to health, life or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or will not result in conditions contrary to the public welfare. To ensure that lots will be located only where they will provide flood-free house sites, the MPC may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the house sites will be completely free from the danger of flooding.

1114.11 TREE PLANTING AND PRESERVATION

(a) **Purpose**

The purpose of the new subdivision tree planting regulation is to promote and protect the public health, safety and welfare through the preservation and protection of the environment by recognizing the vital importance of tree growth in the ecological system. It is further the purpose of this chapter to specifically promote the preservation and replacement of major trees removed in the course of land development, and to regulate tree planting in the tree lawns along public streets and waterways in new subdivisions.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(b) Applicability

This section shall apply to all major subdivisions, regardless of the zoning district or proposed use.

(c) Tree Preservation

(1) All major trees shall be preserved unless exempted, as follows:

A. The tree will be located within a public right-of-way or easement for road and utility improvements;

B. The tree is located within the area to be covered by proposed structures or within 20 feet from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree;

C. The tree will be located within a proposed driveway;

D. The tree is damaged or diseased;

E. The tree is an undesirable species in its present location; or

F. The tree interferes with the proper development of the plat as a whole.

(2) If a major tree is removed, and if necessary to comply with the purposes of this section, the developer shall propose planting replacement trees.

(d) Advisory Meeting with the Shade Tree Commission

(1) Before preparing a tree planting plan and submitting it to the MPC for approval, the developer shall meet and consult informally with the Shade Tree Commission for the purpose of determining the location of all major trees and which, if any, major trees are sought to be removed and the location, size and description of trees which will be planted to comply with this chapter. This informal review shall prevent unnecessary and costly revisions in the layout and development of the subdivision.

(2) This informal review shall be subject to Section 1103.02(f).

(3) When preparing and reviewing subdivision plans and tree planting plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. Developers of land are encouraged to designate heavily wooded areas as park reserves.

(e) Procedure

(1) After meeting informally with the Shade Tree Commission, the developer shall cause to be prepared a tree planting plan for the subdivision, which shall include:

A. The present location and size of all major trees, with a designation of major trees sought to be removed.

B. The location, size, and description of trees proposed to be placed on the plat in order to comply with this section.

(2) The Shade Tree Commission shall review the tree planting plan at its next regularly scheduled meeting and make a recommendation to the MPC. In making its recommendation, the Shade Tree Commission may recommend approval, approval with modifications, or denial of the tree planting plan.

(3) The MPC consider the recommendation during the review of the preliminary plat and shall either approve, approve with modifications, or deny all new subdivision tree planting plans at the same time as their decision on the preliminary plat.

(4) No variance, zoning permit, conditional use approval, or final subdivision plat approval by the MPC shall be granted or issued until the new subdivision tree planting plan has been approved.

(5) Depending upon conditions relating to the season of the year, the size of the proposed development, the complexity of the tree planting plan, and the developers time schedule, the City reserves the right to require a financial guarantee equal to the approximate cost of tree planting to assure that all required improvements shall be completed within two years of the acceptance of the final subdivision plat by the City. See Section 1114.06.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(f) **Tree Lawn Planting Regulations**

(1) The normal spacing between trees on the tree lawn shall be 50 feet, on center. The exceptions to this rule would be the columnar types and small ornamentals, where the spacing could be reduced. Upright types are used mainly on narrow tree lawns or where there is minimal space for crown development.

(2) Trees shall typically be centered between the back of the curb and the street-side edge of the sidewalk. Some exceptions:

A. Wide tree lawns allowing trees to be moved towards the sidewalk;

B. Cul-de-sacs where no sidewalks will be installed; or

C. If utilities have installed a number of lines and cables immediately back of the curb.

(3) Trees planted along the tree lawn to the right or left of the approach to an intersection must not impede vision of pedestrians, bicyclists, street signs, and motor vehicles. Adequate line-of-sight distance must be given to tree lawn signs (school crossing, parking etc.) in order that the later sign clearance trimming can be kept to a minimum. Greater line-of-sight distances shall be provided at railroad crossings.

(4) New subdivision plantings are to be placed no closer than five feet from gas and water shut-offs, driveways, fire hydrants, and property lot lines. All utility companies must be notified prior to any new subdivision tree lawn planting. List all planting locations and note the depth of the planting holes and equipment to be used.

(5) Recommended street trees are listed in an official Shade Tree Commission publication guide available in the City Engineer's Office. The mature height and spread of a given tree type will determine the planting distance from a street light. The developer should also consider height of overhead wires, tree lawn width, and soil types.

(6) Trees required to be planted by this section must be planted within two years of approval of the final subdivision plat by the City.

(7) The developer shall provide for the proper care of the newly planted trees and warranty their survival for one year post planting.

1114.12 STREET DESIGN

(a) **General Street Design**

(1) The arrangement, character, width, grade, construction, and location of all streets shall conform to any adopted plans of the City that are in effect at the time of final plat submission.

(2) The street layout shall provide access to all lots and parcels of land within the subdivision.

(3) Access control at major arterials and highways shall be taken into consideration in the design of the subdivision plat. The City or ODOT has the right to define and limit access along major arterials or highways.

(4) The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with any adopted plans of the City.

(5) The class of streets in a new subdivision shall be not less than the minimum class established in this code. The street and alley arrangement shall not cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

(6) Residential minor streets shall be designed to discourage through traffic, but offset streets shall be avoided whenever possible.

(7) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.

(8) A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(9) **Extensions**

A. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the MPC deems such continuation or extension undesirable for specific reasons of topography or design.

B. Where, in the opinion of the MPC, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the MPC deems it necessary, such dead-end streets shall be provided with turn-around having a radius of at least 40 feet of paved surface area.

C. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in this code for a street in its category.

(b) **Street Names, Signs, and Numbering**

(1) The developer shall be required to install durable street name signs according to City Standards and bearing approved street names at all intersections as well as all other appropriate signs for adequate traffic control.

(2) Street names shall be selected that will not duplicate or be confused with the names of existing streets in the City of Mount Vernon and in Knox County irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plat and final plat.

(3) When a new street is a direct extension of an existing street, the name shall remain the same.

(4) Address numbers shall be assigned by the County in accordance with the current numbering system.

(5) The developer, at their expense, shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets. These devices shall meet all applicable standards as established by the City.

(c) **Grading of Streets**

(1) All streets, roads, and alleys shall be graded to their full widths by the subdivider so that pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the special approval of the MPC.

(2) Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades.

(3) In cuts, all tree stumps, boulders, organic materials, soft clay, spongy material, and other objectionable materials shall be removed to a depth of at least two feet below the graded surface. Rock, when encountered, shall be scarified to a depth of at least 12 inches below the graded surface.

(4) In fills, all tree stumps, boulders, organic materials, soft clay, spongy materials, and other objectionable materials shall be removed to a depth of at least two feet below the natural ground surface. This objectionable matter as well as similar matter from cuts shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

(5) Adequate under drainage shall be provided wherever good engineering practice dictates.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(d) Street Types

(1) The dedication of the right-of-way for new streets shall meet the minimum right-of-way widths and pavement widths in Table 1114-1.

TABLE 1114-1: MINIMUM STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS		
Street Type	**Minimum Right-of-Way Width**	**Minimum Pavement Width**
Primary Arterial	100 feet	48 feet
Secondary Arterial	80 feet	40 feet
Collector	66 feet	34 feet
Minor	60 feet	30 feet
Marginal Access	50 feet	20 feet
Alleys	20 feet	20 feet

(2) All points of access streets shall be as approved by the MPC. Marginal access streets may be required by the Commission for subdivisions fronting on arterial streets.

(3) Through proposed business areas, street widths shall be increased 10 feet on each side if needed to provide parking without interfering with normal traffic movements.

(4) Where there are unusual topographical or other physical conditions, the MPC may require a greater or lesser right-of-way width than that indicated in this section.

(5) Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in Table 1114-1.

(6) The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated.

(7) Cul-de-Sacs

A. The maximum length of a cul-de-sac shall be 1,000 feet unless necessitated by topography or other circumstances beyond the subdivider's control. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of 50 feet with a 100-foot terminal diameter. The road surface within the cul-de-sac right-of-way shall conform, for dimensions, to the City's standard drawings.

B. Cul-de-sacs shall have a minimum pavement width of 40 as the minimum diameter at the turn around.

(8) Half Streets

The dedication of half streets shall not be permitted except in special situations. Where there exists a dedicated or platted half street or alley adjacent to the tract being subdivided, the other half shall be platted if deemed necessary by the MPC.

(9) Private Streets and Reserve Strips

A. There shall be no private streets platted within a subdivision.

B. There shall be no reserve strips in a subdivision except where their control is definitely vested in the City or County under conditions approved by the MPC as authorized in this code.

(10) Alleys

Alleys may be permitted if approved by the MPC as part of the subdivision plat.

(11) Marginal Access Streets

Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Commission may require that marginal access streets be provided in order that no lots will front on such existing or proposed arterial street or highway.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(e) **Intersections**

(1) Streets shall intersect as nearly as possible at right angles unless the intersection contains a roundabout design as approved by the City Engineer.

Figure 1114-A: Streets should intersect as nearly as possible at right angles (right image) with the exception of approved roundabouts.

(2) Street curb intersections shall be rounded by radii of at least 20 feet. When the smallest angle of street intersection is less than sixty degrees, the MPC shall require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction.

(3) No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut or other means of access to an arterial street within 75 feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

(4) Street jogs are prohibited.

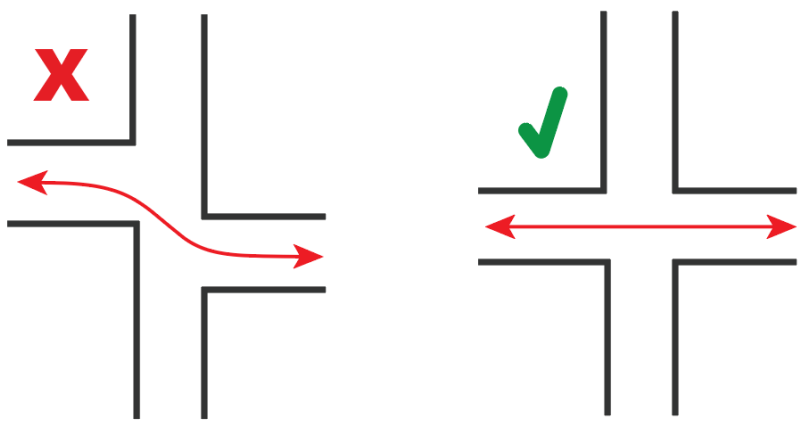

Figure 1114-B: Street jogs (left image) are prohibited with straight travel through a four-way intersection (right image) the appropriate intersection type unless a roundabout is approved.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(f) Vertical and Horizontal Alignment

(1) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

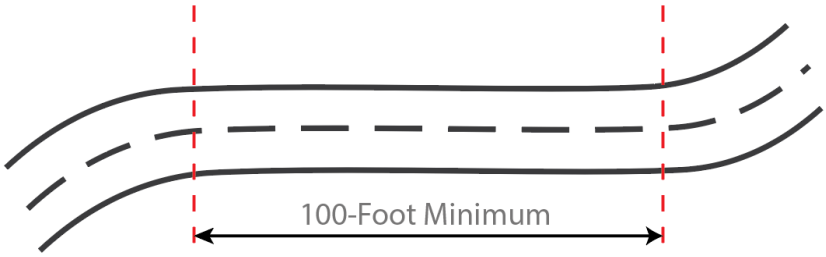

Figure 1114-C: Illustration of the minimum 100-foot tangent required between reverse curves.

(2) Where there is a deflection angle of more than 10 degrees in the alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. The minimum radii of curves shall be as established in Table 1114-2:

TABLE 1114-2: MINIMUM STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS

Street Type	Minimum Curve Radius (Feet)
Arterial Street	300
Collector Street	300
Minor Street	100

(g) Street Grades and Elevations

(1) Street grades shall conform to Table 1114-3:

TABLE 1114-3: MINIMUM STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS

Street Type	Allowable Maximum Grade	Percent Grade Desirable Maximum
Arterial Street	5 percent	4 percent
Collector Street	7 percent	5 percent
Minor Street	8 percent	7 percent

(2) All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall be not less than one-half of one percent.

(3) The MPC shall not approve streets which will be subject to inundation or flooding based on a 25-year storm event. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions exist, the Commission shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.

(4) Fill may be used in areas subject to flooding in order to provide flood- free streets if such fill does not unduly increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby unduly increase flood heights.

(h) Pavement Specifications

The following pavement specifications shall be required for all public streets unless additional standards are required by specifications developed by the City Engineer and adopted by the City.

(1) The developer shall evaluate the soil conditions of the proposed site at the proposed road alignments. The developer shall present a roadway design using the California Bearing Ratio (CBR) method outlined below with geotechnical testing data or the developer shall meet the minimum standards outlined below.

(2) Brick and concrete streets may be approved for use as public streets if specifications are agreed upon within the developer's agreement.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(3) Street construction design shall be based upon the California Bearing Ratio (CBR) value of the soil subgrade. Where more than one soil type of varying CBR value occurs on the proposed street, design shall be made on the basis of the lowest CBR. While actual on-site testing is recognized as a proper method of determining CBR values, the use of soil types may be utilized in lieu of on-site testing as a satisfactory substitute.

(4) Sub-base construction: All developers shall be required to construct a roadway sub base that complies with the specifications of the Ohio Department of Transportation (Item 203 and 204) for the type of roadway being constructed.

(5) Base Construction: The aggregate base for a street shall consist of four inches of compacted granular material meeting the Ohio Department of Transportation Specifications for Item 304.

(6) Surface Construction: All developers shall be required to adhere to the City of Mount Vernon asphalt specifications and standard drawings.

A. Asphalt Concrete Pavement: All developers shall construct a hard surfaced street consisting of nine inches of asphalt concrete applied in three courses consisting of a 6" 301 bitumninous aggregate base; 1.5" 448 intermediate; 1.5" 448 surface and meeting the specifications of Ohio Department of Transportation as modified by the City of Mount Vernon.

B. Rigid Concrete Pavement: All developers shall construct a hard surfaced street of seven inches minimum thickness Portland Cement Concrete Pavement meeting the specifications of Ohio Department of Transportation Item 451 and as modified by the City of Mount Vernon

C. Brick Paving: All developers shall construct a hard surfaced street consisting of a 7" concrete base, topped with brick meeting the ASTM C1272 Type R or Type F standards.

(7) The City Engineer may review proposed construction design and recommend approval of alternative pavement specifications.

(i) **Curbs and Gutters**

(1) The requirements for curbs and gutters will vary according to the character of the area and the density of development.

(2) Curbs and gutters shall be constructed in conformance with the current Construction and Material Specifications of the Ohio Department of Transportation unless otherwise waived or modified by the City Engineer and approved by the MPC.

1114.13 SIDEWALKS AND CROSSWALKS

(a) Cement concrete sidewalks shall be constructed on both sides of all streets within all subdivisions as well as where recommended in the Mount Vernon Active Transportation Plan.

(b) The sidewalk requirements of this code shall not be waived unless the MPC determines that due to unique features of the site that sidewalks would not be feasible.

(c) Sidewalks shall have a minimum pavement width and thickness as established in Table 1114-4 unless additional width is required by the Mount Vernon Active Transportation Plan.

TABLE 1114-4: MINIMUM SIDEWALK REQUIREMENTS

Development Type	Minimum Sidewalk Width	Minimum Sidewalk Thickness
Single-Family or Two-Family Subdivision	4 feet	4 inches
Multi-Family Housing	5 feet	4 inches
Commercial Developments & Shared Use Paths	8 feet	4 inches

(d) Crosswalks shall have a minimum width of six feet.

(e) Sidewalks shall be constructed meet Mount Vernon standards and shall also be subject to applicable regulations in Part Nine of the Codified Ordinances.

(f) Handicap ramps shall be provided that are compliant with the American with Disabilities Act (ADA) and the Public Right-of-Way Accessibility Guidelines (PROWAG) on all corners unless the MPC waives a requirement for crosswalk connections on a corner.

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1114.14 UTILITIES

(a) Sewer and water line house connections or crossovers shall be installed before the paving of the streets, unless written permission has been obtained from the City Engineer to do otherwise.

(b) Utilities shall be installed in rear lot easements except where utility lines already exist. This excludes water, gas and sewer utilities. A total of 12 feet shall be provided at the rear property lines for any utilities required.

(c) **Water**

(1) Where, in the opinion of the MPC, the public water supply is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a complete water distribution system which shall adequately serve all lots and which shall include appropriately spaced fire hydrants, and this system shall be properly connected with the public water supply.

(2) All water mains shall be sectionalized and looped when reasonably feasible and achievable. Dead end water mains shall only be permitted upon written approval from the Mount Vernon Fire Department and City Engineer.

(3) Where a public water supply is not within a reasonable distance or otherwise available, the subdivider shall normally be required to construct a similar water distribution system and connect it with an alternate supply approved by the County Health Commissioner.

(4) Before the MPC approves the use of individual wells, lot sizes shall meet all regulations of the Regional Planning and Health Commission and the same shall be submitted for the approval of the County Health Commissioner.

(d) **Gas Mains**

All new gas service branch lines shall have a shut off valve at the property or curb line.

(e) **Sanitary Sewers**

(1) Where, in the opinion of the MPC, the public sanitary sewerage system is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a subdivision sewerage system to adequately serve all lots and connect the subdivision system to the public system after the City Engineer or designee has approved the size of the lines.

(2) Where lots cannot be served by the extension of an existing public sanitary sewer, the subdivider shall meet the regulations of the Knox Public Health as to lot sizes for individual septic tanks and disposal fields. Plans shall be submitted for approval by the Knox County Health Commissioner or a permit for the use of a neighborhood disposal system shall be obtained from the Knox County Health Commissioner.

(f) **Stormwater Management Systems**

(1) An adequate stormwater management system shall be provided for the proper drainage of all surface water. The system may include a combination of underground pipes, manholes, inlets, catch basins and other appurtenances, as well as above ground features. The system shall also provide for the maintenance of any natural and constructed drainage courses.

(2) All storm sewers shall be designed and constructed in accordance with City standards.

(g) **Underground Utility Distribution and Communication Facilities**

The installation, construction, and expansion of electric, telephone, cable television and/or all new services for subdivisions may be located in the right-of-way or along rear lot lines and placed underground subject to the following conditions and exceptions:

(1) Transmission lines are exempt from this section. Transmission lines are defined as those lines constructed between generating stations and substations.

(2) Underground utilities shall serve the subdivision within or along the right-of-way of existing or proposed public streets, provided that prior to installation of such facilities, the subdivider pays the utility companies' schedules and/or associated charges and gives written commitment to pay the utility company for the cost of any relocation of such facilities and to provide all easements necessary for relocation and for any extensions. The subdivider shall provide necessary easements to the utility companies at no cost.

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(3) All service lines connecting the customer's service within the utility company's underground distribution lines shall be installed underground to connection points on the distribution facilities determined by the utility company. The customer's service line shall be installed by the subdivider or customer, except for communications service lines. The actual connection to the utility company's facilities shall be made by the utility company.

(4) Installation of pad mounted transformers and communication interconnection cabinets are required and nothing in this section shall be construed as requiring the installation of this equipment underground. The use of underground transformers shall not be permitted. Prior to paving any street, the developer shall install, at its own cost, acceptable separate conduit cross-overs for electric and communication facilities at locations specified by the utility company.

(5) Temporary overhead services of electric and telephone utilities shall be allowed, provided that all permanent electric, telephone and cable television services within and adjacent to a new subdivision or commercial and industrial use shall be underground. For purposes of this section, "temporary overhead service" means:

A. Service necessary for immediate public convenience and necessity and constructed to serve only on an interim basis until permanent underground services can be installed; or

B. Service which, in order to reach a new subdivision or commercial or industrial use, must be extended from existing overhead service through undeveloped parcels of land not included in the subdivision or commercial or industrial use.

1114.15 EASEMENTS

(a) Except where alleys are permitted for such purpose, the MPC shall require easements at least 16 feet in width centered along all rear lot lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains and other utility facilities. Where necessary or advisable, in the opinion of the MPC, similar easements shall be provided alongside lot lines or across lots.

(b) If the MPC deems it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.

1114.16 GREEN INFRASTRUCTURE

(a) The City encourages the use of green infrastructure techniques because of their connection to sustainable development practices and environmental quality. The proper use of green infrastructure can dramatically improve storm water runoff quality, decrease runoff volume, protect downstream streams and rivers, and create more interesting places to live.

(b) The following green infrastructure techniques may be incorporated into new subdivisions with approval from the City Engineer, or engineering consultants to the City, as applicable, provided that the applicant submits documentation that the proposed green infrastructure technique is effective and will equal or exceed the function of traditional infrastructure techniques and meet the requirements of this code:

(1) Narrower pavement widths;

(2) Narrower right-of-way widths;

(3) Grassy swales and shoulders without curb and gutter;

(4) Pedestrian walkways that do not constitute the sidewalks required by this code;

(5) Bioretention swales;

(6) Planter boxes;

(7) Curb extensions; or

(8) Other techniques.

(c) **<u>Criteria for Green Infrastructure Waivers</u>**

The City Engineer, or engineering consultants to the City, as applicable, may grant a green infrastructure waiver for use of the green infrastructure techniques provided:

(1) The techniques will utilize the landscape or nature's ability to reduce, slow, filter, and/or absorb storm water runoff from streets, parking lots, and buildings in a method that equals or exceeds the existing infrastructure requirements of the City;

(2) The techniques are consistent with best management practices;

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(3) Covenants or other agreements have been presented to the City, in a format acceptable by the Law Director, that provide for the long-term maintenance of any approved green infrastructure;

(4) The technique has been designed by a professional engineer and is accompanied by documentation stating that the proposed technique does not pose a threat to the public safety;

(5) Site geotechnical reports with infiltration rates are provided;

(6) A draft operation and maintenance manual with expected costs are provided; and

(7) The entity responsible for the operation and maintenance is established.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Chapter 1115: Nonconformities

1115.01 PURPOSE

Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities, especially when dealing with a person's residence, are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code. This chapter has the further purposes for nonconformities:

(a) To permit their continuance but control nonconformities so as to minimize any adverse effect on the adjoining properties and development;

(b) To regulate their maintenance and repair;

(c) To restrict their rebuilding if substantially destroyed;

(d) To require their permanent discontinuance if not operated for certain periods of time; and

(e) To require conformity if they are discontinued, and to bring about eventual conformity in accordance with the purpose of this code.

1115.02 GENERAL PROVISIONS

(a) Any structure, land, or use of land or a structure that existed at the time of the effective date of this code, that was legally established under a previous code amendment or versions, may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.

(b) For the purposes of this code, and any future amendments, any use, building, or structure that can be proven to have existed prior to January 1, 1990, is deemed to be legally established.

(c) Whenever any nonconformity has been changed so that the use, structure, or condition conforms to the requirements of this code, such use, structure, or condition shall no longer be defined as a nonconformity, nor shall the property or structure be returned to the former nonconformity.

(d) To avoid undue hardship, nothing in this code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been carried on diligently. Actual use is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. See also Section 1101.10.

(e) An applicant for any development review procedure (e.g., zoning permit, conditional use, variance, etc.) that involves a nonconformity shall bear the burden of proof in demonstrating that the use, building, or structure, or combination thereof, is a legal nonconformity.

(f) The ZEO may, upon their own initiative, or shall upon the request of any owner, issue a zoning permit for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The permit shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a permit. One copy of the permit shall be returned to the owner and one copy shall be retained by the ZEO, who shall maintain as a public record a file of all such permits.

(g) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

(h) **Existing Use Reclassified as a Conditional Use**

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval in accordance with Section 1103.06. Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

1115.03 NONCONFORMITIES AND VARIANCES

(a) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the structure or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.

(b) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the structure or condition that remains a nonconformity shall still be subject to the provisions of this chapter.

1115.04 NONCONFORMING USES

Nonconformities are declared by this code to be incompatible with permitted uses in the districts in which such use is located. Where, at the time of adoption of this code, lawful uses of land, structures, or a combination thereof, exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

(a) No such nonconforming uses shall be enlarged or increased, constructed, reconstructed, nor extended to occupy a greater area of land or structure than was occupied at the effective date of this code.

(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this code, but no such use shall be extended to occupy any land outside such building.

(c) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.

(d) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.

(e) **Substitution of Nonconforming Uses**

(1) So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may be changed to another nonconforming use of the same classification or of a less intensive classification if approved by the MPC as a conditional use. As part of the review, the MPC shall be required to find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use.

(2) In permitting such change, the MPC may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this code.

(3) Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use. However, in any residential district, no change shall be authorized by the MPC to any use which is not a permitted or conditional use in any residential district.

(f) **Termination of Nonconforming Uses**

(1) **Termination of Use through Discontinuance**

A. When any nonconforming use is discontinued or abandoned for more than one year, any new use shall conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

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B. There may be cases when a structure, or structure and premises in combination, may not be converted to a conforming use because of the original floor plan and design (e.g., townhouses in a single-family residentially zoned area). In these cases, the MPC may determine that the nonconforming use may continue if the nonconforming use is the original use of the structure and/or premises if approved by the MPC as a conditional use (e.g., adaptive reuse of a pre-existing building). Appropriate safeguards, conditions and design standards may be required by the MPC so as to minimize the impact of such continuance on the surrounding area.

(2) **Termination of Use by Damage or Destruction**

A. If a nonconforming residential use, in any district, is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot provided the structure and use meet the same size in height and footprint, as well as complying with the same setbacks as previously existed. Such reestablishment of the use shall require the issuance of a zoning permit, which must be issued within 12 months of the damage or the use shall not be reestablished.

B. If any building containing a nonconforming use, other than a nonconforming residential use, is damaged, but not to an extent greater than 50 percent of the principal structure's reconstruction value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage. Such reestablishment of the use shall require the issuance of a zoning permit, which must be issued within 12 months of the damage or the use shall not be reestablished.

C. If any building containing a nonconforming use, other than a nonconforming residential use, is damaged beyond 50 percent of the principal structure's reconstruction value, such structure and use may only be reestablished in accordance with this code.

D. Determination of the reconstruction value shall be based on the market value of the property as established by the Knox County Auditor.

1115.05 NONCONFORMING STRUCTURES AND SITES

A nonconforming structure or site may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

(a) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.

(b) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.

(c) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.

(d) Nonconforming signs shall be regulated in accordance with 1113.12.

(e) Nonconforming fences and walls shall be regulated in accordance with Section 1109.03.

(f) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

(g) **Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**

(1) If a nonconforming structure is damaged or destroyed to any extent, it may be reconstructed within the footprint of the structure at the time of damage or destruction. In no case may the nonconformities be increased and in no case may the nonconforming structure be reconstructed across a right-of-way or lot line.

(2) If the owner voluntarily removes a nonconforming structure or reduces the nonconformity of a nonconforming structure that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.

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1115.06 NONCONFORMING LOTS OF RECORD

A lot of record which does not comply with lot area, lot width, or street frontage requirements of the district in which it is located on the effective date of this code or any amendment thereto which made it nonconforming, may be used as follows:

(a) If occupied by a building, such building may be maintained, repaired or altered. However, the building may not be enlarged in floor area unless the depth of front yard, total width of side yards, and the rear yard regulations are complied with.

(b) If vacant, the lot may be used provided that:

(1) No adjoining vacant lot is owned by the same owner on the effective date of this code;

(2) No adjoining vacant lot can be reasonably acquired to create a conforming lot; and

(3) All other regulations of this code, except the lot area and lot width regulations, shall be complied with.

(c) Variance of yard requirements, buffering, or screening shall be obtained only through action of the BZA in accordance with Section 1103.07.

(d) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this code and if all or part of the lots do not meet the requirements established for lot width, lot area, or street frontage, the lands involved shall be considered to be an undivided zoning lot for the purposes of this code, and no portion of such zoning lot shall be used or sold in a manner which diminishes compliance with lot width, street frontage, and lot area requirements established by this code, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this code.

1115.07 REPAIR AND MAINTENANCE

(a) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any authorized official to be unsafe, or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

(b) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

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Chapter 1116: Enforcement and Penalties

1116.01 ENFORCEMENT BY THE ZONING ENFORCEMENT OFFICER

(a) The ZEO is hereby designated as the enforcing officer of this code.

(b) The ZEO is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.

(c) The ZEO may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance of the City Engineer, Police Chief, Fire Chief, Law Director, and of other City officials.

1116.02 RECORDS

The ZEO shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered, and notices or orders issued. They shall retain on files in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection, at reasonable hours, but shall not be removed from the office of the ZEO.

1116.03 VIOLATIONS

(a) It shall be unlawful to:

(1) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this code;

(2) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a zoning permit approval, conditional use approval, subdivision plat approval, or other required approvals indicating compliance with the provisions of this code;

(3) Violate or fail to perform any condition, stipulation, or safeguard set forth in any certificate issued pursuant to this code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated;

(4) Continue construction, renovation, or improvements contrary to a stop work order or notice of violation;

(5) Knowingly make any materially false statement of fact in an application to the ZEO for any approvals required by this code;

(6) Subdivide land in a manner contrary to the standards and regulations contained in this code; or

(7) Sell land that has not been subdivided in accordance with the regulations in this code.

(b) Each day's continuation of a violation of this section may be deemed a separate offense.

1116.04 PERMIT REVOCATION

The ZEO may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this code or that was based upon false information or misrepresentation in the application.

1116.05 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the ZEO. The ZEO shall record properly such complaint, immediately investigate, and take action thereon as provided by this code.

1116.06 NOTICE OF VIOLATION

(a) Whenever the ZEO or his agent determines that there is a violation of any provision of this code, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

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(1) Be in writing;

(2) Identify the violation;

(3) Include a statement of the reason or reasons why it is being issued and refer to the sections of this code being violated; and

(4) State the time by which the violation shall be corrected.

(b) Service of notice of violation shall be as follows:

(1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or

(2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the ZEO. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

(3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

(c) If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the ZEO shall request that a summons be issued by the Court.

1116.07 PENALTIES

(a) If the Knox County Recorder records a plat in violation of any of the provisions of this code, they shall be fined not less than 100 dollars nor more than 500 dollars, as provided in Ohio R.C. 711.12, to be recovered with costs in a civil action by the prosecuting attorney in the name and for the use of the county.

(b) Whoever transfers or negotiates to transfer any lot in a subdivision before the final plat of such subdivision has been approved by the MPC and recorded in the Knox County Recorder's office, or attempts the description of land by metes and bounds in violation of this code, shall be fined not less than 10 dollars nor more than 1,000 dollars.

(c) In all other instances, a failure to correct the conditions in violation with the provisions of this code, as ordered by the ZEO, shall constitute a misdemeanor as outlined below. Repeat offenses of the same violation shall result in escalating misdemeanors and fines in accordance with the schedule below. Each day a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense. Any other person, who commits, participates in or assists in the continuation of said violation may each be found guilty of a separate offense and suffer the penalties provided.

(1) On a first offense, misdemeanor of the fourth degree, a fine of up to 250 dollars;

(2) On a second offense within one year, misdemeanor of the third degree, a fine of up to 500 dollars;

(3) On a third offense within one year, misdemeanor of the second degree, a fine of up to 750 dollars;

(4) On a fourth and any subsequent offense within one year, misdemeanor of the first degree, a fine of up to 1,000 dollars.

(d) In any instance where the City incurs any expenses, including but not limited to legal costs and fees, because of any person or entity's non-compliance with any provision of this code, the expenses incurred, plus an administrative fee equal to the expenses incurred shall be recovered from the person or entity.

(e) Any amounts owed to the City of Mount Vernon pursuant to any provision of this chapter, whether for work completed by the City or for assessed penalties or expenses, may be certified by the ZEO as a lien against the property with the Knox County Auditor for collection in the same manner as property taxes and assessments.

(f) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be assessed a civil penalty and/or found guilty of a separate offense and suffer the penalties herein provided.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

1116.08 REMEDIES

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used, in violation of any of the provisions of this Zoning Code, the appropriate City authorities, the ZEO or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may seek an injunction, mandamus or other appropriate relief or proceeding in any court of competent jurisdiction to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of such building, structure or land.

1116.09 AFFECTED PARTIES

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

1116.10 OTHER ACTIONS

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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Chapter 1117: Definitions

1117.01 PURPOSE

It is the purpose of this chapter to define words, terms, and phrases, or identify references, contained in this code.

1117.02 GENERAL RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this code.

(a) Meanings and Intent

(1) All provisions, terms, phrases, and expressions contained in this code shall be interpreted in accordance with the general purposes set forth in Section 1101.01: Purpose, and the specific purpose statements set forth throughout this code. When a specific section of this code gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.

(2) For the purposes of this code "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

(b) Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this code and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(c) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(d) References to Other Regulations or Publications

Whenever reference is made to a code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such code, statute, regulation, or document, unless otherwise specifically stated.

(e) Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(f) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Mount Vernon, unless otherwise indicated.

(g) Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

(h) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions, or events apply; and

(2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

(i) Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

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(j) Terms Related to Specific Chapters and Sections

Some terms have a specific definition related to a set chapter or section in this code but could otherwise be misinterpreted as a common term and definition defined elsewhere in this code. Where such terms exist, a parenthetical reference is included following the term and shall relate to the sections identified in Table 1117-1, below. Such terms may also relate to other definitions in this chapter.

TABLE 1117-1: PARENTHETICAL REFERENCES TO SPECIFIC CHAPTERS AND SECTIONS

Parenthetical Reference	Related Chapter or Section
(Adult Entertainment Establishments)	See Section 1105.04(r).
(Historic Preservation)	See Section 1103.05 and Section 1106.02.
(Cellular or Wireless)	See Section 1105.04(i).
(Small-Cell Facility)	See Section 1109.08.
(Subdivision)	See Chapter 1114: Subdivision Design.

(k) Terms Not Defined

Words and terms not specifically defined carry their customarily understood meanings. If a term used in this code is not defined in this chapter, the ZEO shall also have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The ZEO may also rely on Webster's Dictionary or a similar source for the definition of terms.

1117.03 DEFINITIONS AND REFERENCES

Abandoned (Small-Cell Facility)
Any small cell facilities or wireless support structures that are unused for a period of 365 days without the operator otherwise notifying the City and receiving the City's approval.

Abut, Adjoin, or Adjacent
The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

Access
Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

Accessibility Ramps
Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

Accessory Dwelling Unit
A secondary dwelling or dwelling unit that is added, created, or constructed on a parcel of land on which an existing dwelling or dwelling unit already exists. A secondary dwelling unit may or may not be attached to or a part of the pre-existing principal dwelling.

Active Recreational Facilities
Any park or recreational facility that is owned, managed, or operated by the City of Mount Vernon, a local township, Knox County, the State of Ohio, or a nonprofit agency. Such park or recreational facility requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other similar outdoor facilities. Such uses may include accessory retail uses that are customarily incidental recreational uses including, but not limited to, souvenir or concession stands.

Adaptive Reuse of a Pre-Existing Building
The permitted use of a building that existed prior to January 1, 1990 for a use that is not otherwise allowed in the applicable zoning district where the design of the building is found by the MPC to not be designed in a manner that would readily allow a use permitted in the applicable zoning district.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Adjudication Hearing
An adversarial hearing during which evidence is taken for the purpose of determining issues of fact and law that will be used by the applicable decision-making body to prepare the report and recommendation and, ultimately, will be used in preparing final findings and orders. This may also be referenced as a quasi-judicial hearing. Adjudication hearings take place during a public meeting of the applicable decision-making body and require special public notice and an opportunity for the public to be heard.

Administrative, Business, or Professional Offices
A building or portion of a building wherein services are performed involving predominately administrative, professional, or clerical operations, and wherein no retail trade is carried on and no stock of goods for retail sale are maintained on the premises.

Adult Arcade
Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

Adult Bookstore, Adult Novelty Store, or Adult Video Store
A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment as defined in section 2907.38 of the Ohio Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an “adult bookstore,” “adult novelty store”, or “adult video store.” The existence of other principal business purposes does not exempt an establishment from being categorized as an “adult bookstore,” “adult novelty store,” or “adult video store” so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe “specified sexual activities” or “specified anatomical areas.”

Adult Cabaret
A night club, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Entertainment
The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of “specified anatomical areas” or “specified sexual activity.”

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Adult Entertainment Establishment
An adult arcade, adult bookstore, adult entertainment business, adult novelty store, adult video store, adult cabaret, adult motion picture theater, sexual device shop, adult theater, nude or seminude model studio, or sexual encounter establishment but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an "adult entertainment establishment.

Adult Motion Picture Theater
A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

Adult Theater
A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of “specified anatomical areas” or “specified sexual activities.”

Agriculture
The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce.

Air-Activated Graphic
A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for “Sign, Balloon.”

Airport
Any area of land designated and set aside for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes

Alley
A minor, service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this code.

Alteration
A physical change in a building or an addition to it. An alteration that includes an addition, projection into yards, or change from one type of use to another may require zoning approval.

Alteration (Historic Preservation)
Any material or visual change other than normal maintenance and repair to the exterior of any structure located within an historic district or to any historic property or to the publicly accessible interior of any listed property which was listed in whole or in part because of the historic or architectural significance.

Amateur Radio Antennas
A system of cables, electrical conductors, insulators, metallic or nonmetallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

Amusement Arcade
A place of business within a building or outdoor structure or any part of a building having more than five mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee. Amusement arcades shall not include any machines that are defined as a “scheme of chance” or “skill-based amusement machine” in the ORC.

Animal Boarding Facility
Any building, structure, land, or combination thereof, used, designed or arranged for the boarding, breeding or care of six or more domestic animals or pets more than four months of age, for profit. Such use may also include training and daycare facilities.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Animal Hospital/Clinics and Animal Grooming
A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Such uses shall not have any outdoor facilities for the boarding or keeping of animals. Such use may include facilities for animal grooming.

Antenna
Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic waves in the provision of wireless service.

Appeal
A review procedure by which a person may call into question an administrative decision made in accordance with this code. See Section 1103.07.

Applicant
Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for review pursuant to Chapter 1103:Review Procedures or other review procedures established in this code.

Application
The process by which the applicant submits a request for any type of review or approval identified in Chapter 1103:Review Procedures. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

Architectural Feature
A prominent or significant part or element of a building, structure or site.

Assembly Halls or Conference Centers
Facilities or buildings available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

Automotive Repair and Service (Major)
Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair). This use type may also include towing services that provide towing or conveyance of a wrecked, inoperable, disabled, or illegally parked motor vehicle but shall not include storage of such vehicles on site.

Automotive Repair and Service (Minor)
Any structure or premises used for the sale of vehicle parts and fluids, excluding fuel sales, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site.

Awning
A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework. See also definition of “canopy.”

Figure 1117-A: Examples of traditional awnings

Awning
A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and which can be retracted, folded or collapsed against the face of the supporting building.

Basement
A story all or partially underground but having at least one-half of its height below the average level of the adjoining ground. (See story)

Bed and Breakfast
Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

Bedroom
A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

Berm
An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

Block
The property lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the City.

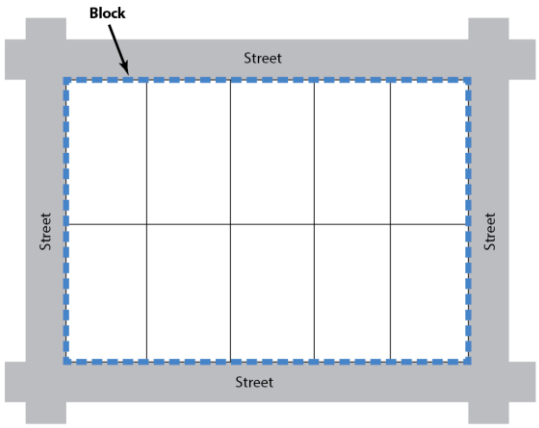

Figure 1117-B: Illustration of block

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Block Face
All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.

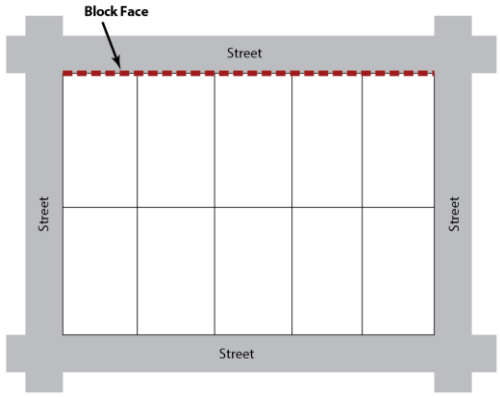

Figure 1117-C: Illustration of block face

Board of Zoning Appeals
A local decision-making board, created by ordinance, whose responsibility is to hear appeals from decisions on local administrative decision; to consider requests for variances permissible under terms of this code; and undertake other roles as established in Section 1102.04(c).

Buffer
Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

Building
Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure. The term shall be used synonymously with "structure," unless otherwise noted, and shall be construed as if followed by the words "parts or parts thereof."

Building Height
The vertical distance of a building as measured in Section 1105.05(d).

Building Lines
The lines along the interior side of required front, rear and side yards setbacks.

Building Unit
Any building subdivided into separate units or spaces and any interior space occupying any portion of the ground floor of any building provided that each unit or space has its own exterior entrance and is separated from other such spaces by a party wall or walls.

Building, Accessory
A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use.

Building, Nonconforming
A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and that does not conform to the provisions of the code in the district in which it is located.

Building, Principal or Main
A building occupied by the main use of the lot on which said building is located.

Bulk Sale, Storage, or Distribution of Grains
An establishment that sells, stores, or distributes grains or other dried food products in bulk containers.

BZA
City of Mount Vernon Board of Zoning Appeals

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Caliper
The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for a caliper size greater than four inches.

Canopy
A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.). See also the definition of “awning.”

Figure 1117-D: Example of a canopy and related sign

Carport
A roofed shelter, open on at least two sides, designed as a shelter for operable automobiles. A carport may be freestanding or may be formed by the extension of a roof from the side of a building.

Figure 1117-E: Example image of a detached carport.

Cellular Communication Services (Cellular or Wireless)
Personal communications accessed by means of cellular equipment and services.

Cellular or Wireless Communication System (Colocation)
The use of a cellular or wireless communications support structure, comprising a single wireless telecommunications tower, building or other structure permanently affixed to real property, supporting two or more antennas, disks, pods or other similar devices used for telecommunications by more than one telecommunications provider, whether public or private. Collocation shall apply to such devices whether readily discernible to the naked eye or camouflaged.

Cellular or Wireless Communication System
The establishment of a new cellular or wireless communications support structure, tower, and related antennae as compared to co-locating antenna on existing tower or structure.

Cellular or Wireless Communications Antenna (Cellular or Wireless)
shall mean any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas such as whips and other equipment utilized to serve personal communication services.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Cellular or Wireless Communications Site (Cellular or Wireless)
shall mean a tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmissions.

Cellular or Wireless Communications Support Structure (Cellular or Wireless)
shall mean any building or structure accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.

Cellular or Wireless Communications Tower (Cellular or Wireless)
shall mean any freestanding structure used to support a cellular or wireless communications antenna.

Cellular or Wireless Communications Tower, Height of (Cellular or Wireless)
shall mean the height from the base of the structure to its top; including any antenna located thereon.

Cemetery
Land used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Appropriateness (COA)
A certificate issued by the City of Mount Vernon indicating that a proposed change, alteration, construction or demolition of a designated landmark building or structure or within a designated historic site or district is in accordance with the provisions of this code.

Change
Any alteration, addition, demolition, removal, or construction involving any property subject to the provisions of this code.

Change (Historic Preservation)
Any alteration, demolition, removal or construction involving any building, structure or property subject to the provisions of this code. This change shall not be related to ordinary maintenance or repair of any property provided that such work involves no change in material, design, texture, color or outer appearance of such property.

Change of Use
Any use which substantially differs from the previous use of a building or land.

City
The City of Mount Vernon, Knox County, Ohio

City Council
City Council or Council means the legislative body of the City of Mount Vernon, Ohio

City Engineer
The City Engineer for the City of Mount Vernon, Ohio.

COA
Certificate of Appropriateness

Code Text or Map Amendment
An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the City Council in accordance with Section 1103.03.

Codified Ordinances
The codified ordinances of the City of Mount Vernon, Ohio

Collocation or Collocate (Small-Cell Facility)
Toto install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure.

Commercial and Business Support Services
A profit-making activity which renders services to other commercial or industrial businesses such as, but not limited to, courier services, information technology consultants, and internet providers.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Commercial Greenhouse or Nursery
An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales. Greenhouses that are part of a larger agricultural use shall be considered accessory to the principal agricultural use of the land.

Commercial Recreational Facility (Indoors)
A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, live performances (excluding theaters), bowling alleys, commercial recreation, video game rooms, billiard halls, indoor skating rinks, bingo parlors and similar entertainment activities. Commercial recreational facilities shall not include "adult entertainment establishments" or “amusement arcades.”

Commercial Recreational Facility (Outdoors)
Land or facilities for any profit-making activity which is providing outdoor participatory and/or spectator activities such as, but not limited to, privately managed or owned parks, amusement park, water parks, rollerblade rental, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, outdoor ice-skating rinks, batting cages or swimming pools. Commercial recreational facilities shall not include “adult entertainment establishments.”

Commercial Vehicle
Any motor vehicle licenses by the State as a commercial vehicle.

Common Area
Any land area and/or facilities that is held in common ownership by the residents through a property owners’ association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.

Community Garden
A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens.

Completed Application
An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

Condominium
A building or buildings in which title to the land and multi-unit improvements on the land are acquired by any two or more persons in any manner whereby each person is vested with title to:

- Some form of individual ownership in one or more units, such as apartments, offices, suites or the like; and
- An interest as tenant in common in the land and all the improvements, except the units, but including easements of right-of-way to access drives, garages, off-street parking space and other common areas. All requirements set forth in these Subdivision Regulations for multiple dwellings shall also apply to condominium development.

Construction Structures
A mobile home, trailer, dumpster, or similar temporary structure that is used as an office, storage, or collection of debris on a temporary basis in conjunction with a construction project.

Contractor Equipment and Storage Yard
An unenclosed area or portion of a lot upon which a construction contractor maintains its principal office or a permanent business office used to store and maintain construction equipment and other materials customarily used in the trade carried on by a construction contractor. Such uses can include contractors including, but not limited to, landscaping and building contractors, who operate an office and storage yard on the same lot.

County
Knox County, Ohio

Crosswalk
A right-of-way, dedicated to public use, ten feet or more in width, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Cultivate
To grow, harvest, package, and transport medical marijuana pursuant to Chapter 3976 of the Ohio Revised Code.

Cultural Facility
Public or private facilities used for display, performance, or enjoyment of heritage, education, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites. Such use shall not include "theaters."

Day Care
An accessory uses that includes a facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, type-B day care homes, and similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.

Deck
A flat surface, that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground, and that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof.

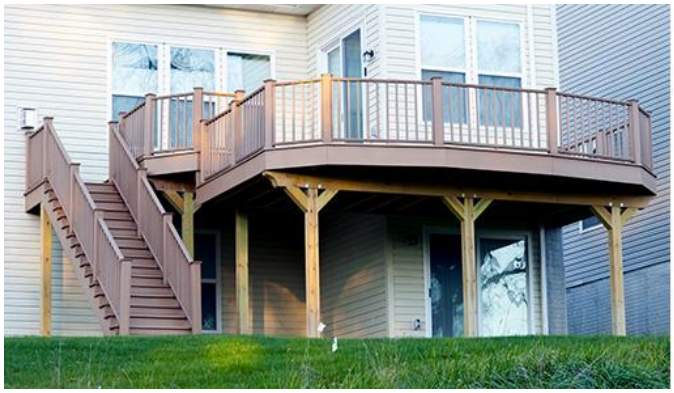

Figure 1117-F: Example of a deck.

Decorative Pole (Small-Cell Facility)
A pole, arch, or structure other than a street light pole placed in the right-of-way to specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following:

- Electric lighting;
- Specially designed informational or directional signage; or
- Temporary holiday or special event attachments.

Dedication
The intentional and voluntary appropriation or transfer of land from the private owner to the City or other public agency for the land to be pledged to a proper public use or purpose.

Density
A unit of measurement; the number of dwelling units per acre of land.

- **Gross Density.** The number of dwelling units per acre of the total land to be developed.
- **Net Density.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Design Guidelines (Small-Cell Facility)
Those detailed design guidelines, specifications and examples adopted by the City Council pursuant to Section 955.04 for the design and installation of small cell facilities and wireless support structures, which are effective insofar as they do not conflict with federal and state law, rule and regulations.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Developer
Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another.

Development
Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

Dispense
The delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient who has an active patient registration with the State of Ohio Board of Pharmacy, authorizing them to receive medical marijuana.

District
See “Zoning District.”

Drive-Through Facilities
Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" shall also include "drive-up" and "drive-in" but shall not include vehicle washing establishments, automotive fuel sales, or automotive repair and service establishments.

Driveway
A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

Dwelling
A building designed or used exclusively as the living quarters for one or more families or housekeeping units.

Dwelling Unit
A single unit of one or more rooms providing complete, independent living facilities for one family, or alternatively by one housekeeping unit.

Dwelling, Multi-Family
A building or portion thereof designed with four or more dwelling units excluding “dwelling, rowhouse.”

Dwelling, Rowhouse
A building where the dwelling units are structurally attached to one another, side-by-side, with shared walls. Each dwelling unit shall only be accessible by individual, exterior entrances.

Dwelling, Single-Family
A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

Dwelling, Three-Family
A building, or portion thereof, designed with three dwelling units.

Dwelling, Two-Family
A building, or portion thereof, designed with two dwelling units.

Easement
A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Educational Institution (Higher Education)
Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, cosmetology schools, seminaries, or any other institution providing collegiate level curriculum and other post-secondary school educational opportunities. Where such schools include a dormitory or other forms of housing for students or staff, such housing shall be considered a part of the educational institution provided it is on the same lot or within the same development as the educational institution.

Educational Institution (Preschool and K-12)
A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, preschools, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. Where such schools include a dormitory or other forms of housing for students or staff, such housing shall be considered a part of the educational institution provided it is on the same lot or within the same development as the educational institution.

Electronic Message Center
A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs).

Essential Services
The erection, construction, alteration, or maintenance by public utilities or City departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such City utility or City department, board, or commission or for the public health, safety, convenience, prosperity or general welfare, shall be exempt from the regulations of this code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

Exhibitor
Any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his own place of business, irrespective of the ownership of such device.

FAA
The Federal Aviation Administration

Facade
The exterior walls of a building or building face exposed to public view; the exterior face of a building that gives it a distinctive character.

Facade, Front
The facade of a building that contains the primary entrance of the building.

Facade, Primary
For the purpose of the sign regulations, a primary facade shall be as defined in Section 1113.05(d).

Facade, Secondary
For the purpose of the sign regulations, a secondary facade shall be as defined in Section 1113.05(d).

Family
One or more persons, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

FCC
The Federal Communications Commission, which is primarily responsible for the administration of the Telecommunications Act of 1996.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Fence
Any accessory wall or structure composed of wood, metal, stone, vinyl or other material erected in such a manner and positioned to enclose, partially enclose, screen or divide any premises or part of premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose, partially enclose, screen or divide any premises or any part of any premises shall be included within the definition of fence.

Financial Guarantee
A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

Financial Institution
Any building, property or activity of which the principal use or purpose of which is for depository purposes and including the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions.

Flag
Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Flood Damage Prevention Ordinance
An ordinance adopted as law by the City of Mount Vernon, Ohio, on July 30, 1982, as amended; which regulates land use in areas subject to periodic flooding so as to reduce flood hazards and losses and to protect the public, health and safety. See Chapter 1317 of the Codified Ordinances.

Floor Area
The total floor area used, or intended to be used, by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for, display or sale of merchandise. It shall not include areas used principally for the purpose of storage, nor shall it include incidental areas for repair, processing or packaging of merchandise; show windows; maintenance, toilet or restrooms; utility rooms; or dressing, fitting or alteration rooms. Where the term “gross floor area” is specifically referenced, then the term shall mean the sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. For residential dwellings, see additional clarification on measurement in Section 1105.05.

Food Service
An establishment whose principal business is the preparation of food and beverages for serving off-site. This includes catering services where there is no on-site restaurant or area for the serving of prepared foods and drinks.

Footcandle
A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

Fraternal, Charitable, and Service Oriented Club
A building or portion thereof or premises owned or operated by an entity, person or group of persons for a social, educational, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Frontage
All of the property abutting on one side of a street or places (crossing or terminating) or, if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

Frontage, Building
The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the ZEO shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Frontage, Street
The length of the right-of-way line along the front lot line. See Section 1105.05(b).

Fuel Stations
An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles as part of a retail activity available to the general public. Such use shall not include electric charging stations that are located in individual parking spaces.

Funeral Home or Mortuary
Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

Garage
An accessory building primarily intended for and used for the enclosed storage or shelter of motor vehicles of the owner or occupant of the principal building that is attached or detached from the principal building.

Figure 1117-G: Example image of a detached garage.

Government Office or Building
Buildings or office space utilized for the provision of services by the City of Mount Vernon, Knox County, the State of Ohio, or the Federal Government that does not include outdoor activities other than parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, and other similar uses.

Grade
The elevation of the finished surface of the ground adjoining the building after final grading and normal settlement at the front of the building.

Grading
The stripping, cutting, filling, or stockpiling, or any combination thereof, of earth-disturbing activity, inclusive of land in its cut or filled conditions

Grass
A species of perennial grass grown as permanent lawns or for landscape purposes.

Ground Cover
A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

Hedge
A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

Heliport
A designated land area used for helicopter operations and any appurtenant areas, including fueling facilities, terminal buildings and maintenance and repair facilities.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Historical District
An area designated as an “historic district” which contains within definable geographic boundaries, properties or buildings that may or may not be landmarks but which constitute to the overall historic character of the designated area.

Historical Review Commission
A local review and decision-making board, created by ordinance, whose responsibility is review applications for COAs in the HO District and undertake other roles as established in Section 1102.04(d).

Home Occupations
A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

Hospital
An institution providing inpatient and outpatient medical and/or surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, medical offices, training facilities, and other necessary accessory facilities. Such uses may include ambulance service.

Hotel
A facility offering fewer than 30 days of consecutive lodging accommodations, in individual rooms or suites, on a daily rate, to the general public and potentially providing additional accessory services such as, but not limited to, restaurants, meeting rooms and recreational facilities. Such facilities shall provide only internal access to the individual rooms or suites.

Housekeeping Unit
Five or fewer unrelated persons occupying a single dwelling unit, living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a hotel, motel, or other group living arrangement. Such definition shall also include all residential facilities with five or fewer residents and residential facilities, as defined in Chapter 5123 of the ORC, that contain up to eight or fewer unrelated persons.

HRC
City of Mount Vernon Historical Review Commission

Improvement Plans
The engineering plans showing types of materials and construction details for the proposed subdivision improvements.

Improvements
Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

Industrial Service Use
Establishments primarily engaged in rendering services to office, business, retail, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

Industrialized Unit
A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the ORC.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Junk
Any personal property which is bought, bartered, acquired, possessed, collected, accumulated, dismantled, sorted or stored for reuse or resale such as: salvage metal, metal alloys, metal compounds and combinations, used or salvaged fabric, fibers, bags, paper, rags, glass or any latex or plastic product; used or salvaged motor vehicles which are primarily used for parts or scrap metal and similar or related articles or property.

Junk and Salvage Yard
Land or buildings used for one of the following operations:

- The purchase, sale, exchange, storage, baling, packaging, disassembly, or handing of waste, used materials, or secondhand materials including, but not limited to, batteries, scrap iron and other old scrap ferrous or non-ferrous materials, metals, paper, rubber tires, tires, debris or waste, electronic parts, and bottles;
- The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts; or
- The storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a vehicle or automotive wrecking or salvage yard.

Landscaping
The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

Light Fixture
The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output controls, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Light, Cutoff
An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1109.02.

Light, Non-Cutoff
An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1109.02.

Live/Work Unit
A use that combines a commercial activity allowed in the zoning district with one dwelling unit in the same building. See also the definition of “mixed-use building.”

Loading Area
An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

Loading Space
An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that has an appropriate means of access. Loading spaces are considered a part of vehicular use areas

Lot
A parcel of land occupied, or to be occupied, by a main building and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required and having the minimum size required for a lot under the provisions of this code. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage required in the zoning district in which the lot is located. Lot line is synonymous with the term "property."

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Lot Area
The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section 1105.05(b).

Lot Coverage
That portion of a lot, which when viewed from directly above, would be covered by a building or impervious pavement as established in Section 1105.05(g).

Lot Line
The boundary line defining the limits of the lot. Lot line is synonymous with the term "property line."

Lot Line, Front
In the case of an interior lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section 1105.05(c).

Lot Line, Rear
A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section 1105.05(c).

Lot Line, Side
A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section 1105.05(c).

Lot of Record
A lot which is part of a subdivision, the part of which has been recorded in the office of the Knox County Recorder, or a parcel of land the deed to which was recorded, prior to adoption of this code.

Lot Width
The horizontal distance between the side lot lines measured at along the minimum front yard setback line. See Section 1105.05(b).

Lot, Corner
A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See Figure 1117-H.

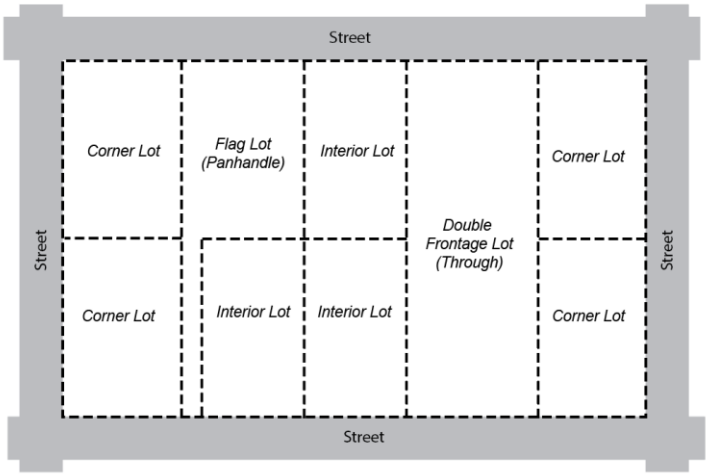

Figure 1117-H: Illustration of typical lot types.

Lot, Curved or Cul-De-Sac
A lot with frontage along a curved street or cul-de-sac. See Section 1105.05(c).

Lot, Double Frontage (Through)
A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section 1105.05(c).

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Lot, Flag (Panhandle)
A lot that has a frontage on, or is abutting, a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section 1105.05(c).

Lot, Interior
A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section 1105.05(c).

Lot, Nonconforming
A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

Luminaire
The complete lighting unit, including the lamp, the fixture and other parts.

Machinery and Heavy Equipment Sales, Leasing, Storage, and Service
An establishment engaged in the temporary storage for the sale or repair of tractor trailer trucks and other equipment or vehicles used in commercial, industrial or construction enterprises such as, but not limited to, bulldozers, cranes, backhoes, rollers, and lifts.

Manufactured Home
A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Manufacturing and Production (Heavy or Outdoors)
An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its lot line. Such use shall also include any manufacturing or assembly facility that requires outdoor storage areas that exceed 500 square feet in area.

Manufacturing and Production (Indoors)
The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties. See also “manufacturing and production (heavy or outdoors).”

Marijuana
Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for medical or recreational purposes as defined in the ORC.

Marijuana Cultivator
An entity that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and transport marijuana as permitted under the ORC.

Marijuana Dispensary
An entity licensed by the State of Ohio to sell marijuana in accordance with rules established in the ORC..

Marijuana Processing
Marijuana processing licensed by the State of Ohio.

Marquee
Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

Maximum Extent Feasible
That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or to minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Maximum Extent Practicable
Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the cost of additional compliance measures clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the non-compliance.

Mechanical Equipment
Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Mechanical or Electronically Operated Amusement Device
Any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

Medical/Dental Clinic or Health Center
Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition includes 24-hour urgent care centers but does not include “hospitals,” “medication maintenance facilities or dispensaries,” “skilled nursing facilities,” or “personal care facilities.” The use shall not include any ambulance service or overnight stays.

Memorial or Monument
A statue, building, or other structure erected to commemorate a famous or notable person, place, or event.

Microbrewery, Microdistillery, or Microwinery
An establishment where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises. The manufacturing may be the principal use of the facility or may be subordinate to a restaurant, bar, or tavern. A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law.

Mineral Extraction
The use of land that includes the extraction, removal, or basic processing of minerals, soil, or other natural resources from the earth. Such uses also include quarrying, mining, or other procedures typically done at an extraction site.

Mixed-Use Building
A building that contains a commercial or office use and a residential use within a single building as provided for in this code and where the residential uses are located on upper floors only.

Mobile Home
A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

Modification
Any change in use, addition or alteration of a building or structure, or any change in type and/or increase in quantity of regulated substances used, stored, handled or produced.

Monument (Subdivision)
A box with an iron pin at the intersection of the centerlines of two streets or at a location where the point of tangency meets the point of curvature for curved sections of streets.

MPC
The Municipal Planning Commission of the City of Mount Vernon, Ohio

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Multi-Tenant Use
A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

Municipal Planning Commission
A local review and decision-making board, created by ordinance, whose responsibility is to hear participate in zoning amendments, review conditional uses, and undertake other roles as established in Section 1102.04(b).

Nonconforming Site Condition
A site improvement that was legally established, but no longer conforms to the parking, landscaping, architectural, or other design standards for the site exclusive of the lot area, lot width, or other site development standards established in this code. See also “lot, nonconforming”.

Nonconformity, Legal
Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for “use, nonconforming,” “lot, nonconforming,” “building, nonconforming,” “nonconforming site condition,” and “structure, nonconforming.”

Nudity, Nude, or State of Nudity
The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

Nursery Schools and Day Care Centers
A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for an adult for a portion of a 24-hour day in a building other than the adult’s home.

Occupant
A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

Off-Street Parking
For the purpose of this Zoning Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way. Off-street parking spaces shall be considered a part of vehicular use areas.

Open Space
An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the zoning commission deems permissive. Streets, parking area, structures for habitation, and the like shall not be included.

Operator (Small-Cell Facility)
A wireless service provider, cable operator, or a video service provider that operates a Small Cell Facility and provides wireless service. Operator includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(2), and services that are fixed in nature or use unlicensed spectrum.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Outdoor Dining
Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

Outdoor Display, Storage, and Sales
The placement of products or materials for sale or storage outside of a retail or wholesale sales establishment.

Outdoor Drop-Off Boxes
Small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

Outdoor Lighting
Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section 1109.02.

Owner
Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

Parking Aisle
The driveway or access drive by which a vehicle enters and departs a parking space.

Parking Area
An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

Parking Lot
An outdoor area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.

Parking Lot or Garage
An outdoor area or structure that contains marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking.

Parking Space
A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building, of sufficient size to store one standard automobile.

Passive Parks, Open Space, and Natural Area
Any park or recreational facility where there is no grading of the land, and no construction of facilities, lighting, or development of ball fields, with the exception that such passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

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Patio
An unenclosed outdoor hard-surfaced area that is no higher than 18 inches above the ground. If a pergola or other roof structure is attached to the principal building and extends over the patio, then the patio and roofing shall be considered a porch.

Figure 1117-I: Illustrative example of a patio.

Pennants
A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

Performance Standard
A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings. See Section 1109.03.

Permanent Supportive Housing
Community-based, long-term housing and supportive services, as appropriate, for homeless individuals with disabilities.

Permanently Sited Manufactured Home
A building unit or assembly of closed construction as defined in the ORC and permitted where single-family dwellings are allowed.

Permittee (Small-Cell Facility)
means the owner and/or Operator issued a Small Cell Permit pursuant to these Chapter and the Design Guidelines.

Person
Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Personal Care
Personal care means the provision of personal services, such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

Personal Services
Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning pick-up and drop-off, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Personal Wireless Services (Cellular or Wireless)
Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including the cellular services.

Pick-Up Window
Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers who walk-up to the window or door during such business transactions. There shall be no direct vehicular access to the pick-up window.

Place of Worship
A religious institution where a congregation of any denomination regularly participates in or holds religious services, meetings and other activities, including buildings in which the religious services are held and which may include accessory indoor uses such as, but not limited to, day care or educational institution facilities.

Planned Development
A development that is planned for a single use, or to integrate a variety of uses into a comprehensive development, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. For the purposes of this code, Planned Developments are developments approved prior to the effective date of this amendment. See Chapter 1107: Planned Development Districts.

Plat
A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

Plat, Final
The final map of all or a portion of the subdivision which is presented to the MPC and City Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer. May also be referred to as the “final subdivision plat.”

Plat, Preliminary
A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the MPC in accordance with Section 1103.10. May also be referred to as the “preliminary subdivision plat.”

Playsets, Treehouses and Trampolines
Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

PMEO
The Property Maintenance Enforcement Officer

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Porch
An unenclosed area with a roof that is attached to a building but not used for livable space. A porch also includes paved areas without a roof if the surface area is higher than 18 inches above the adjacent grade (e.g., stoops).

Figure 1117-J: Examples of a front porch (left) and back porch (right).

Preservation (Historic Preservation)
The process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

Property owners' Association
A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

Public Hearing
A public hearing is where a decision-making board (City Council, MPC, or BZA) holds a special review of an application where specific notice is provided to the public and the public is afforded an opportunity to speak and be heard. Public hearings take place during a public meeting of the applicable decision-making body.

Public Improvements
See definition of "improvements."

Public Meeting
A public meeting is a prearranged gathering of a majority of the members of a public body (City Council, MPC, or BZA) for the purpose of discussing public business. Public meetings are subject to the Open Meetings Act of Ohio. Both public hearings and adjudication hearings, as defined and addressed in this code, can only take place at a public meeting.

Public Utility Building or Facility
Structures and land used for storage, transmission, or recovery facility for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, state, or federal government.

Raceway or Wireway
An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

Railyards and Rail Service
Land used for the placement of rail lines, beyond the main tracks of transport, for the purpose of loading or unloading rail cars, repairing rail cars, restructuring trains, and other services related to rail activity.

Raising of Livestock
The raising, caring, and feeding of certain livestock animals, as established in Section 1108.01.

Recreational Courts
An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, pickleball, basketball, racquetball, and similar sports or games.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Recycling Center
An establishment engaged in the processing, collection and transfer of recyclable materials. Typical recyclable materials include: glass, paper, plastic, cans, motor oil, or other source-separated, non-decayable materials.

Research and Development Facility
An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

Residential Community Center
A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development with which the use is associated and that may be privately owned or jointly owned by property owners.

Residential Facility, Large
Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code and as further defined in Section 1105.04(e).

Residential Facility, Small
Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than eight persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code and as further defined in Section 1105.04(f).

Restaurant
An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings, to be consumed within the building or as take-away but shall not be served through a drive-through facility or to customers waiting in their vehicles for consumption on the premises. Such uses may or may not include an accessory drive-in or drive-through as allowed in this code.

Retail Business
Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but is not be limited to such activities as: supermarkets; stores that sell electronics, hardware, apparel, footwear, appliances, furniture, department stores, and discount stores.

Retail Commercial Uses
For the purposes of accessory uses, this term shall mean “retail businesses” that are accessory to the principal use.

Right-of-Way
A strip of land taken or dedicated for use as a public way.

- In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.
- Generally, the right of one to pass over the property of another.

Road or Roadway
See definition of “street.”

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Roof Line
Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Safety Service Director (SSD)
The position established under Chapter 129 of the City's Codified Ordinances for the purposes of carrying out the intent of these regulations.

Satellite Dishes
A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

Screening
A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

Self-Storage Facility
A building that contains varying sizes of individual, compartmentalized, or controlled-access stalls, lockers, or buildings for the dead storage of a customer's goods or wares where the access to such stalls or lockers can occur within the inside of the building or from the exterior of the building, The use may include outdoor storage of vehicles. Self-storage facilities shall also include buildings used for storage of personal or business items, regardless of commercial purposes, where such storage exceeds 40 percent of the total floor area of the building.

Semi-Nudity or Semi-Nude Condition
A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback
Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

Setback Line
A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code. For example, a front yard setback line is the line formed by applying the minimum front yard setback from any applicable front lot lines.

Setback, Building
The setback required from any right-of-way and the principal or accessory building as established in this code.

Setback, Front
The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line. See Section 1105.05(c).

Setback, Rear
The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. See Section 1105.05(c).

Setback, Side
The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot line that is shared with another lot where such lot line is defined as a side lot line. See Section 1105.05(c).

Shade Tree Commission
The established three-member commission regulated under Chapter 141.01 of the City's Codified Ordinances.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Short-Term Rental
An accommodation for transient guests where, in exchange for compensation, a residential dwelling unit, or part thereof, is provided for lodging for a period of time not to exceed 30 consecutive days. See also the definition of “bed and breakfasts” and “hotel.”

Shrub
A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.

Sidewalk
That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public.

Sign
Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area
The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section 1113.05.

Sign Copy
Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

Sign Face
The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign Height
The vertical distance of a sign, from top to bottom, as measured in accordance with Section 1113.05.

Sign Structure
Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

Sign, A-Frame
A freestanding sidewalk sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

Sign, Animated
Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement.

Sign, Awning
A permanent sign painted on, printed on or attached flat against the surface of an awning.

Sign, Balloon
A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for “Air-Activated Graphic.”

Sign, Banner
A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Sign, Building
Any permanent sign attached to any part of a building including awning, canopy, marquee, projecting, window, or wall signs.

Sign, Canopy
A permanent sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning or marquee.

Sign, Changeable Copy
A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. See also the definition of “sign, manual changeable copy” and “electronic message center.”

Sign, Driveway
A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

Sign, Feather
A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Sign, Flashing
A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

Sign, Freestanding
Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building or other structure.

Sign, Ground
A permanent freestanding sign, not attached to a building, that is placed upon or supported by the ground independently of any other structure. Ground signs are mounted on one or two poles or posts where the poles or posts have a height of less than two feet.

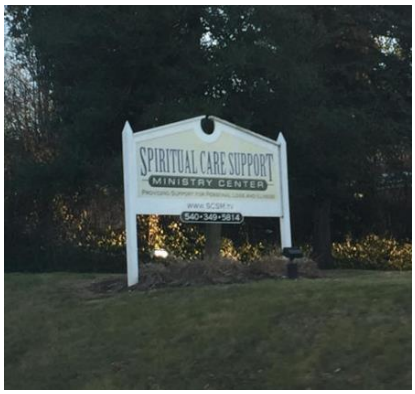

Figure 1117-K: The above images provide examples of two ground signs.

Sign, Illuminated
Any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

Sign, Manual Changeable Copy
A changeable copy sign designed so that the characters, letter or illustrations can be changed or rearranged manually. May also be known as readerboards.

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Sign, Monument
A permanent freestanding sign, not attached to a building, that is placed upon or supported by the ground independently of any other structure. Monument signs are mounted on a base or pedestal structure that has a width that is at least equal to or exceed 75 percent of the sign area width.

Figure 1117-L: The above image provides an example of two monument signs.

Sign, Nonconforming
Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, On-Premises
A sign directing attention to a use, product, commodity or service that is sold or provided on the same lot where the sign is located.

Sign, Permanent
A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground and that is constructed of rigid, non-flexible materials.

Sign, Projecting
A permanent sign that is affixed perpendicular to a building or wall and extends more than 18 inches beyond the face of such building or wall.

Sign, Roof
Any sign erected on a roof.

Sign, Sidewalk
A temporary sign that may be placed outside, during business hours, in accordance with this code and all other applicable ordinances and resolutions. See definition of “sign, T-frame” and “sign, A-frame.”

Sign, Temporary
A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, T-Frame
A temporary sidewalk sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Sign, Wall
A permanent sign attached directly to an exterior wall of a building and which does not extend more than 18 inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

Sign, Window
Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

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Sign, Yard
Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Skilled Nursing
Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

Skilled Nursing or Personal Care Facility
A long-term or short-term in-patient care facility that provides skilled nursing services or personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as “hospitals” or “residential facility.”

Small Cell Facility (Small-Cell Facility)
A wireless facility that meets both of the following requirements:

- Each Antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an Antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
- All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Small Cell Permit (Small-Cell Facility)
The non-exclusive grant of authority issued by the City of Mount Vernon to install a small cell facility and/or a wireless support structure in a portion of the right-of-way in accordance with these guidelines.

Small-Scale Planned Housing Development
A small-scale residential development that requires a conditional use review to accommodate alternative housing types and forms within existing neighborhoods. See Section 1105.04(c).

Solar Panels
The equipment and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include passive solar energy systems that capture the sun's energy in building design and construction components; solar thermal energy systems that convert sunlight to heat as in a hot water tank or swimming pool; and photovoltaic solar energy systems that convert sunlight to electricity.

Specified Anatomical Areas

- The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

Specified Sexual Activities
Specified sexual activities means any of the following:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- Excretory functions as part of or in connection with any of the activities set forth in Section 1105.04(r).

SSD
Safety Service Director

Stacking Space
A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

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

- "First story" means the lowest story or the ground story of any building, the floor of which is less than four feet below the average contact ground level at the exterior walls of the building.
- "Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are less than four feet above the floor of such story.

Streamer
A ribbon-shaped or cord-like rope which may have pennants and/or banners attached, and which is stretched or hung between two or more supports.

Street
A right-of-way dedicated or deeded and accepted for public use, which provides for vehicular and pedestrian traffic. A street will typically include:

- The paved area, or cartway, principally for use by motorized vehicles, and usually bordered with curbs and gutter;
- A sidewalk between the paved area and right-of-way line principally for use by pedestrians; and
- A landscaped area between the sidewalk and paved area which is often called a “treelawn”.

Street Primary
A street or road of great continuity which serves or is intended to serve as a major traffic way within the City, County or both and is designated in the master plan as a limited access highway, major thoroughfare, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, Arterial
A public street that is typically considered a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

Street, Collector
A street which carries or is expected to carry large amounts of vehicular traffic whose origin or destination is not primarily in abutting properties. Collector streets are intended to provide access to neighborhoods or sub-neighborhoods and to carry traffic from minor streets to the arterial street system, including the principal entrance and circulation routes within a residential subdivision.

Street, Cul-de-Sac
A short street having one open end to traffic and the other end permanently terminated by a vehicle turnaround.

Street, Dead-End
A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

Street, Marginal Access
A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. Marginal access streets are often referred to as frontage streets or frontage drives.

Street, Minor
A street designed primarily for providing access to residential, commercial or other abutting property through driveways or other access points.

Street, Private
An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.

Street, Public
A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Street, Secondary
A street or road of considerable continuity which serves or is intended to serve as the principal traffic way between large and separated areas or districts and which is the main means of access to the main thoroughfare system of primary streets.

Structure
That which is constructed on or under the ground or attached or connected thereto, including but not limited to: buildings, barriers, bridges, bulkheads, chimneys, fences, garages, outdoor seating facilities, parking areas, platforms, pools, poles, streets, tanks, tents, towers, sheds, signs, walls and walks; and excluding trailers and other vehicles whether on wheels or other supports.

Structure, Accessory
A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Structure, Nonconforming
A structure or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

Structure, Temporary
A structure permitted for limited duration with the intent that such use will terminate or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

Subdivider
Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to affect a subdivision of land hereunder for himself or for another.

Subdivision
The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

Subdivision Modification
A modification to any of the public improvement or subdivision design standards of Chapter 1114: Subdivision Design, as authorized by the MPC in accordance with Section 1103.10(f).

Subdivision, Major
A subdivision that is not classified as a minor subdivision.

Subdivision, Minor
A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided. See further distinction in Section 1103.09.

Swimming Pools, Wading Pools, and Hot Tubs
Any pool, lake, or open tank, primarily used for swimming or wading, not located within a completely enclosed building and as further defined in Section 1108.01(g)(19).

Temporary Sales Office or Model Home
A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

Theater
Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

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Transitional Housing
Housing and supportive services provided to homeless individuals and families, for no longer than twenty-four months, to enable them to obtain and maintain independent, permanent housing.

Tree
A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Knox County, Ohio, as applicable.

Tree Lawn
The City right-of-way between the back side of the curb or edge of pavement and the street side of the sidewalk or front property line.

Tree, Canopy
A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Tree, Deciduous
Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

Tree, Evergreen
A tree that remains green throughout the year.

Tree, Major
A living tree with a trunk diameter of at least six inches, measured at a point four and one-half feet above the existing grade at the base of the tree.

Truck Terminal
The use of property or buildings for a business establishment that is primarily related to the distribution of goods and merchandise and/or the temporary parking of motor freight vehicles or trucks during loading and unloading, and between trips. While truck terminals may include necessary warehouse space for storage or transitory freight, such storage shall be short-term (30 days or less). Truck terminals may include building facades that are occupied entirely or partially by loading docks and garages for access by trucks.

Type-B Day Care Homes
A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type B Home shall be counted. A Type B Home does not include a residence in which the needs of children are administered, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

Use
Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Accessory
A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

Use, Conditional
A use which may be appropriate or desirable in a specified zoning district, but requires special approval through the conditional use approval process (See Section 1103.06.) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

Use, Nonconforming
Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this code or by the passage of this code or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Use, Permitted
A use which is permitted in a specified zoning district through either a zoning permit or review, as may be applicable.

Use, Permitted with Standards
A use which is permitted in a specified zoning district through either a zoning permit or review, as may be applicable, provide such use meets the additional use-specific standards set forth in this code.

Use, Principal or Main
The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

Use, Temporary
A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure. See Section 1108.02.

Utility Pole (Small-Cell Facility)
A structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and Decorative poles.

Variance
A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See Section 1103.07.

Vehicle
Every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices other than bicycles moved by human power. Where a vehicle type is not specifically defined in this code, such vehicle shall be considered as defined by the Ohio Revised Code.

Vehicle Sales and Leasing
Any building or land where new or used passenger cars, pick-up trucks, motorcycles, boats, trailers, and other recreational vehicles, in operational condition, are sold or leased to customers.

Vehicle Washing Establishments
The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. This shall include establishments that provide car detailing services.

Vehicle, Fleet
Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

Vehicle, Recreational
A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Vehicular Use Area
The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, stacking space, or loading space. For residential uses, the vehicular use area shall include the driveway, garage, and any other parking areas.

Violation
The failure of a structure or other development to be fully compliant with the regulations of this code.

Walkway
See definition of “sidewalk.”

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Wall
An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

Wall, Retaining
A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

Warehouse
A business establishment primarily engaged in the long-term storage (over 30 days) of goods and merchandise within a single building (not individual compartments) that may contain, loading and unloading docks. Warehouses shall not include any building facade that is contain loading docks or garages that occupy more than 40 percent of the facade width. See also “self-storage facilities” or “truck terminals.”

Wholesale Establishment
An establishment or place of business primarily engaged in selling merchandise to retailers, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Windblown Devices
Objects and signs designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical, or any other means and may include, but are not limited to pennants, ribbons, streamers, spinners, or similar objects.

Wireless Facility (Small-Cell Facility)
Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:

- Equipment associated with wireless communications;
- Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

The term does not include any of the following:

- The structure or improvements on, under, or within which the equipment is collocated; or
- Coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Wireless Support Structure (Small-Cell Facility)
A pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a 15-foot or taller sign pole, or utility pole capable of supporting small cell facilities. wireless support structure excludes:

- A utility pole or other facility owned or operated by a municipal electric utility; and
- A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars and trolley buses.

Wireline Backhaul Facility (Small-Cell Facility)
A facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire.

Yard
An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section 1105.05(c) for rules of measurement and determination for all yard types.

Yard, Front
Unless otherwise stated in Section 1105.05(c), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)

Yard, Rear
Unless otherwise stated in Section 1105.05(c), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

Yard, Side
Unless otherwise stated in Section 1105.05(c), a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

ZEO
The Zoning Enforcement Officer

Zoning District
An area within the City limits for which the regulations and requirements governing use are uniform as defined by Chapter 1104: Establishment of Zoning Districts.

Zoning District, Base
The base zoning district is the zoning district established for each property that includes any of the residential and nonresidential zoning districts established in this code.

Zoning District, Nonresidential
The term “nonresidential zoning district” shall include the NC, CB, GB, OB, LI, GI, and PI Districts, regardless if residential uses are permitted.

Zoning District, Overlay
A special secondary zoning district that lies over an underlying base zoning district. Such overlay district provides development control which alters some of the base zoning district regulations.

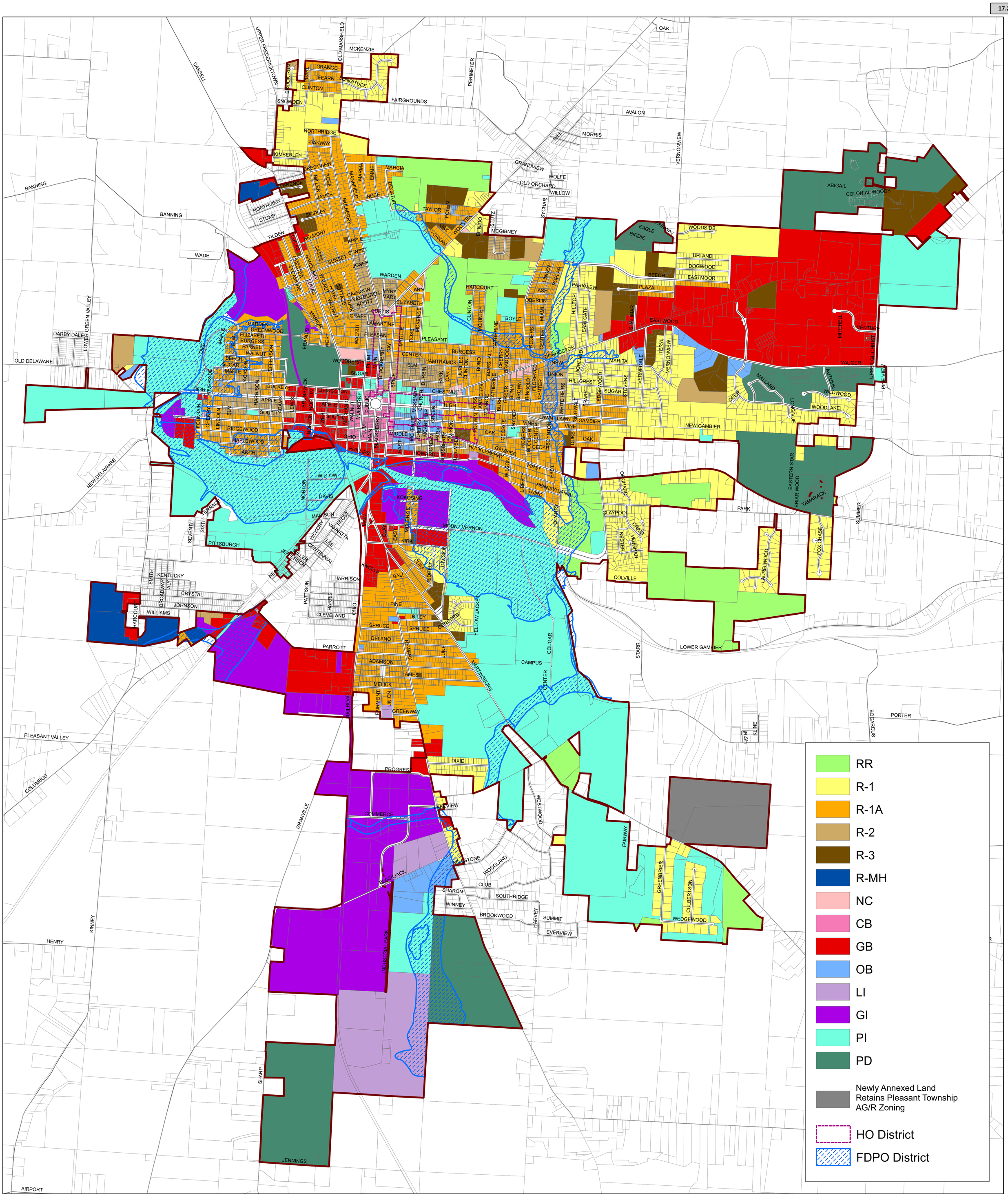
Zoning District, Residential
The term “residential zoning district” shall include the RR, ER, R-1, R-1A, R-2, R-3, R-4, and R-MH Districts.

Zoning Enforcement Officer
The Zoning Enforcement Officer for the City of Mount Vernon, Ohio. The individual designated by the Mayor to administer and enforce this code, unless otherwise stated.

Zoning Map
An accurate map depicting the City of Mount Vernon, Ohio, and indicating the official boundaries of the zoning districts established by this code. See Section 1104.02.

Zoning Permit Approval
A permit issued by the ZEO stating that a proposed development or activity complies with this code as established in Section 1103.08.

Attachment: Ex A - Planning and Zoning Code (2024-32 : Zoning Code Update)



Attachment: Ex B - Zoning Map (2024-32 : Zoning Code Update)

City of Mount Vernon, Ohio
Development Services
40 Public Square
Mount Vernon, OH 43050
Phone 740-393-2033 |DSM@MountVernonOhio.org

To: Clerk of Council

June 18, 2024

Municipal Planning Commission
Meeting Date: June 6, 2024

Case Number: 2024-MPC-09
Zoning Amendment for Part Eleven – Planning and Zoning Code

In July 2021 City Administration embarked on an effort to update the City's Planning and Zoning Code. Consultant Wendy Moeller of Compass Point Planning was engaged after an introduction by ADF. A Code Audit was conducted, public hearings were held and themes for improvement were established. After several months of review the City of Mount Vernon Planning and Zoning Code Public Hearing Draft and Proposed Zoning (map) was published in May 2024.
A public meeting was held to present the proposal on May 9, 2024. Written public comment was accepted through email and an online Google Form, and a subsequent Public Hearing was held on June 6, 2024.

At the close of the June 6 public hearing of the Municipal Planning Commission:

> **Tanner Salyers made a motion to recommend approval of the proposed Zoning Amendment for Part Eleven – Planning and Zoning Code, including the proposed revised Official Zoning Map. Austin Swallow seconded the motion.**
>
> **The motion passed with a 5-0, affirmative vote.**
> **(Yes: Starr, Salyers, Ellsworth, Hawkins; Swallow)**

Per §1156.04 Council shall consider the recommendation of the Municipal Planning Commission for the proposed amendment and determine the final approval or denial.

Warm Regards,

Lacie Blankenhorn

Lacie Blankenhorn
Development Services Manager