

TITLE 27 ZONING CODE

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Chapter 27.01. Title and Enactment Clause

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**§27.01.01. Authority**  
 The City Council of Nelsonville, Ohio in accordance with enabling legislation for municipal zoning as provided in Chapter 713 of the Ohio Revised Codes hereby provides as follows:

**§27.01.02. Title**  
 This Ordinance shall be known and may be cited as to the "Zoning Ordinance of the City of Nelsonville," except as referred to herein, where it shall be known as "this Ordinance."

**§27.01.03. Purpose**  
 This Ordinance is adopted for the purpose of protecting and promoting the public health, safety, morals, comfort and general welfare of the residents of the City of Nelsonville; to protect the property rights of all individuals by

assuring compatibility of use and practices within districts; to facilitate the provision of public utilities and services; to lessen congestion on public streets, roads and highways; to make provision for penalties for its violation- and for any other propose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

Chapter 27.02. Definitions

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**§27.02.01. Definitions**  
 For the purpose of this ordinance certain terms and words are defined as follows. Words used in the present tense include the future, and the plural includes the singular, and the singular the plural. The word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." Except where specifically defined, all words used in this ordinance shall carry their customary meanings.

"Abandonment" (as applied to zoning): To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during nominal periods of vacation or seasonal closure.

"Abutting": Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

"Accessory Use": A use incidental to, and on the same lot as a principal use.

"Accessory Apartment": A separate and complete dwelling unit that is contained within the structure of a single-family dwelling unit.

"Accessory Structure": A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

"Agriculture": The use of land for agricultural purposes, such as farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory used for packing, treating, or storing the produce; however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

"Agriculture Services": Any elevators, sawmills, feed mills, farm implement sales and services and other agriculture retail and wholesale supply establishments. Veterinarians, veterinarian clinics and other professional agricultural services are included.

"Alley": A public or private way permanently reserved as a secondary means of access to abutting property whether improved or not.

"Alteration, Structural": Any change in the supporting members of a building or structure, such as bearing walls columns, beams, or girders; provided, however, that the application of any exterior siding to

"Bedroom": The term bedroom includes any room used principally for sleeping purposes, provided that no room having less than 70 square feet of floor area shall be considered a bedroom.

"Board": The Board of Zoning Appeals of the City of Nelsonville, Ohio

"Boarding House": An establishment where the owner lives which has lodging for 5 or more unrelated people who are not transients, where meals are regularly served for compensation.

"Building Line": The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

"Building Height": The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs- and to the maximum height of any segment of a hip, gable or gambrel roof, as measured from the average surrounding grade elevation.

"Building": A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

"Cemetery": Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

"Child Care Facility": A building or structure where care, protection and supervision are provided, on a regular schedule, as a licensed child care facility.

"Church or Place of Religious Worship": An institution that people regularly attend to participate in or hold religious services, meetings, and other religious

an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

"Alteration": Any change, addition, or modification in construction or occupancy of an existing structure.

"Apartment": See "Dwelling, Multiple Family."

"Basement": That portion of a building that is partly or completely below grade. A basement shall be counted as a story where more than one-half its height is above the average level of the adjoining ground.

"Bed and Breakfast": A house, or portion thereof, where short-term lodging rooms and meals are provided.

related activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

"Clinic": A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

"Club": Buildings or facilities owned or operated by a corporation association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business. This does not include student related organizations.

"Commercial Recreational Facilities": Recreational facilities open to the public, established and operated for a profit such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, boat docks and launching ramps, fishing piers and similar commercial enterprises.

"Commission": The Planning Commission of the City of Nelsonville, Ohio.

"Community Center": A place, structure, area or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

"Comprehensive Plan": The long-range plan, and any updates thereto, describing the desirable use of land as adopted by the Planning Commission; the purpose of such plan being, among other purposes, to serve as guide in future development and zoning for the municipality.

"Conditional Use": A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke, or noise), is permitted in a district subject to approval by the Board of Zoning Appeals, and subject

requirements, different from those usual requirements for the district in which the conditional use may be located.

"Condominium": An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

"Council": The City Council of the City of Nelsonville, Ohio.

"Cul-de-sac": A local street, one end of which is closed and consists of a circular turn around.

"Density": The number of dwelling units per net acre or lot of land (excluding any public right-of-way).

"Development": All structures and other modifications of the natural landscape above and below ground or water, on a particular site.

"District and Zoning District": The administrative tracts designating the uses for which land can be legally utilized. Boundaries of the districts are shown on the Zoning Map, which is part of this Zoning Code.

"Dormitory": A building used as group living quarters for a student body,

"Dwelling Unit": One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

"Dwelling, Multiple Family": A building, or Dwelling Unit, or portion thereof designed for or used by more than one family units.

"Easement": The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

"Erect": To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on walls.

"Essential Services": The erection, construction, alteration or maintenance by public utilities, the City, or other governmental agencies, of underground gas, electrical, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonable necessary for the

religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

"Downtown Commercial": The retail and service establishments catering to the City's residents and workers daily needs for goods and services, including business, retail, professional, personal, and travel services.

"Drive-in Facility": An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

"Dry Cleaner": A business that accepts garments to be cleaned, laundered and/or pressed by employee of such business.

"Dwelling": A building or portion thereof used exclusively for residential purposes, including one-family and multiple-family dwellings. The term 'dwelling' shall include those involving industrialized units, but not including mobile homes, manufactured homes, recreational vehicles, hotels and boarding and lodging houses.

furnishing of adequate service by such public utilities, City, or other governmental agencies for the public health, safety, or general welfare.

"Facade": The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

"Family": Two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit.

"Fence": Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

"Flood Plain": Any land area designated as being susceptible to flooding according to maps and information provided by the Federal Emergency Management Agency.

"Frontage": That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

"Funeral Home": A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c)

the storage of caskets, funeral urns and other related funeral supplies including the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

"Garage, Private": A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

"Garage, Repair" (see also "Service Station"): A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

"Grade": The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Gross Floor Area": The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, open porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

"Gross Leaseable Area": The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

"Hazardous Substances": Any substances

"Landfill": A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

"Laundry, Self Service": A business that provides home-type washing, drying and/or ironing machines for hire to be

or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

"Health/Recreation Facility": An indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop.

"Home Occupation": An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit.

"Hospital": An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

"Hotel" (see also "Motel"): A facility offering transient lodging accommodations on a daily rate to the general public and possibly providing additional services, such as restaurants, meeting rooms, and recreational facilities.

"Impervious Surface": Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surfaces shall not include graveled driveways or parking areas.

"Industrialized Dwelling Unit": An assembly of materials or products comprising all or part of a total structure that when constructed, is self sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement. Industrialized units include units commonly called modular or pre-fabricated units, but do not include mobile homes, or manufactured homes as separately defined.

"Kennel": An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

used by customers on the premises.

"Lot": A parcel of land intended to be separately owned, developed, and otherwise used as a unit.

"Lot, Corner": A lot abutting on and at the intersection of two or more streets.

"Lot, Interior": An interior lot is a lot other than a corner lot.

"Lot Area": The area of horizontal plane bounded by the vertical planes through

front, side, and rear lot lines.

"Lot Coverage": Determined by dividing all area of a lot that is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

"Lot Depth": The average horizontal distance between the front and rear lot lines.

"Lot Line": A line dividing one lot from another lot or from a street or alley.

"Lot Line, Front": That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot.

"Lot Line, Rear": The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

"Lot Line, Side": Any lot line not a front or rear lot line.

"Lot of Record": A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

"Lot Width": The horizontal distance between side lot lines measured at the required front setback line.

"Manufactured Home" (see also "Mobile Home"): A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act of 1974, is portable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

"Manufactured Home Park": A parcel of land under single ownership that has been planned and improved for the placement of three (3) or more manufactured homes for dwelling purposes.

"Mineral Extraction, Storage, and Processing": Any mining, quarrying or processing of limestone, sand, gravel, oil, natural gas, or other mineral resources.

"Mini-warehouse": See "Self-Service Storage Facility."

"Mobile Home" (See also "Manufactured Home"): A transportable factory built home, designed to be used as a year-round residential dwelling, or any unit built

prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 which became effective June 15, 1976.

"Motel" (See also "Hotel"): A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for motor vehicle transient guests and having a parking space next to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

"Noncommercial Recreational Facilities": Private and semi-public recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, ski slopes, hunting and trapping and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools.

Noncommercial recreational facilities may be leased to outside groups or organizations provided the fee for such purposes is limited to incidental maintenance and custodial expenses.

"Non-Conforming Use": A lawful use of land existing prior to the enactment of this Ordinance or relevant amendments that does not comply with the use regulations for its Zoning District.

"Non-Conforming Lot": A lot of record existing prior to the enactment of this Ordinance or relevant amendments that does not meet the requirements of this Zoning Ordinance due to size and/or other lot dimension.

"Non-Conforming Building": Any building existing prior to the enactment of this Ordinance or relevant amendments that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put.

"Office Park": A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

"Office": A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

"Open Space": An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns,

decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

"Outdoor Storage": The keeping, in an

"Parking Space": An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle. This is used interchangeably with parking stall. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street. A parking space shall have a permanently hard surfaced area of not less than nine feet (9') by twenty feet (20'), either within a structure or in the open, exclusive of access drives, and located upon the lot for which the parking exists.

"Parking Lot" (See also "Garage, Public"): An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight of street parking.

"Plant Nursery": The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside or within greenhouses for sale or for transplanting.

"Principal Use": The main use of land for structures, as distinguished from a secondary or accessory use.

"Principal Building": A building in which the primary use of the lot on which the building is located is conducted.

"Public Service Facility": The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage or pumping plants and other similar public service structures by a public utility, by a railroad whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical gas, rail transport, communication, public water and sewage services.

"Public Parks, Playgrounds, or Playing Fields": Any public land available for recreational, educational, cultural, or aesthetic use.

"Recreational Vehicle (RV) Park": A lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy

un-roofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 72 hours.

"Parcel": A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

"Restaurant": An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.

"Right-of-Way": An area or strip of land, either public or private, on which an irrevocable right-of passage has been recorded for the use of vehicles or pedestrians or both.

"Road, Private": A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

"Road, Public": All public property reserved or dedicated for street traffic.

"Rooming House" (see also "Boarding House"): A building that is the primary residence of the owner and in which rooms are provided, for compensation, to three or more adult persons not related by blood, marriage, or adoption to the owner.

"School": A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

"Self-Service Storage Facility": A building consisting of individual, small, self contained units that are leased or owned for the storage of business and household goods or contractors supplies.

"Service Station" (See also "Garage, Repair"): Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

"Setback(s)": The required minimum horizontal distance between the building line and the related front, side, or rear property line.

"Site Plan": A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures,

uses, and principal site development features proposed for a specific parcel of land.

"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 be no floor above it, the space between such floor and the ceiling above it.

"Street": A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

"Temporary Building": A structure erected to provide shelter for a use which is temporary in nature.

"Variance": A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable deviation from the requirements of this ordinance because of unusual or unique circumstances.

"Yard": The required open space on a lot adjoining a lot line.

"Yard, Front": A yard extending along the full width of a front lot line between sidelots and from the front lot line to the front building line in depth.

"Yard, Rear": A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building- Rear yard depth shall be measured at right angles to the rear line of the lot.

- "Yard, Side": A yard lying between the
  - R-2 Multiple Family Residential District
  - M-1 Mobile Home Residential District
  - C-1 Downtown Commercial District
  - C-2 Highway Commercial District
  - I-1 Industrial District

**§27.03.02. Zoning Map**

The Zoning Map and all notations, references and information shown on the map are a part of this Zoning Code by reference, and have the same force and effect as if fully set forth or described herein. This map is designated as the "Zoning Map of Nelsonville, Ohio." In general, the Zoning Map shall be interpreted to carry out the intent and purpose of this Zoning Code. The official Zoning Map shall be maintained by the Zoning Officer, and a copy shall be kept in the office of the City Manager.

**§27.03.03. Zoning District Boundaries**

District boundary lines are as shown on the Zoning Map. Where districts are bounded approximately by lot lines or the centerlines of streets or alleys, such lot

side lot line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines.

"Zoning Officer": The person charged with the enforcement of this Ordinance, who shall be the City Manager of the City of Nelsonville, Ohio; or his or her designee; or the person appointed by the City Manager or his or her designee, with the approval of Council.

**Chapter 27.03. General Provisions**

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**§27.03.01. Establishment of Districts**

The municipality is hereby divided into Zoning districts which regulate the general location of structures and use of land. These Zoning districts are:

- R- 1 Single Family Residential District
- line or center line shall be construed to be the boundary of the district. When district boundaries divide a lot, boundary locations shall be approximated by the use of a scale.

**§27.03.04. Compliance with Regulations**

The regulations set forth by this ordinance within each district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

No building, structure or land shall hereafter be used or occupied, and no building or structure or part there of shall hereafter be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all of the regulations herein specified for the district in which it is located.

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

**§27.03.05. Interpretation and Conflict**

The provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other ordinances or agreements.

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**§27.04.01. R-1 Single Family Residential District**

**§27.04.01.01. Purpose**

The single family residential district is hereby established to provide, at suitable locations, areas where very low density residential development is desired.

of the real estate)

Accessory Use

Public Services Facilities

Public Park, Playground, or Playing Field  
School

Child Care Facility  
Neighborhood Businesses  
Professional Offices

**§27.04.01.03. Conditional Uses Requiring Approval from Board of Zoning Appeals**

Bed and Breakfast  
Cemetery  
Churches or Places of Religious Worship  
Two Family Dwellings  
Home Occupations (See Section 27.05.10)  
Child Care Facility  
Parking Lots

**§27.04.02.04. Development Standards**

All lots principal buildings, outdoor storage buildings, and garages shall meet the following development standards as set forth by the Zoning Officer:

The Zoning Officer shall determine the Minimum Lot Frontage & Lot size, Minimum Front Yard, Rear Yard, and Side Yard, by taking the average Frontage, Size, Front, Rear, and Side setbacks of the lots on the street where the development is to take place. No buildings shall exceed over 45 feet in height.

**§27.04.01.04. Development Standards**

All lots principal buildings, outdoor storage buildings, and garages shall meet the following development standards as set forth by the Zoning Officer:

The Zoning Officer shall determine the Minimum Lot Frontage & Lot size, Minimum Front Yard, Rear Yard, and Side Yard, by taking the average Frontage, Size, Front, Rear, and Side setbacks of the lots on the street where the development is to take place. No buildings shall exceed over 45 feet in height.

**§27.04.02.05. Accessory Structures**

Accessory structures must be located more than five feet from any property line, and may not be located within a required front yard. Detached accessory structured may not occupy more than ten percent (10%) of the lot.

**§27.04.01.05. Accessory Structures**

Accessory Use  
Home Occupations  
Garages

**§27.04.03. M-1 Mobile Home Residential District**

**§27.04.03.01. Purpose**

The mobile home residential district is hereby established to provide, at suitable locations, areas where mobile home residential development is desired.

**§27.04.02. R-2 Multiple Family Residential District**

**§27.04.02.01. Purpose**

The multiple family residential district is hereby established to provide, at suitable locations, areas where multiple family residential development is desired.

**§27.04.03.02. Principal Permitted Uses**

Manufactured Home Park  
Single Family Dwellings  
Two Family Dwellings  
Townhouses  
Accessory Use  
Boarding or Rooming House  
Apartment Buildings  
Public Service Facility  
Public Park, Playground or Playing Field

**§27.04.02.02. Principal Permitted Uses**

Single Family Dwellings  
Two Family Dwellings  
Townhouses  
Rooming Houses  
Apartment Buildings  
Accessory Use  
Home Occupations (See Section 27.05.10)  
Public Park, Playground or Playing Field  
Public Service Facility  
Parking Lots

**§27.04.03.03. Conditional Uses Requiring Approval from Board of Zoning Appeals**

Home Occupations (See Section 27.05.10)  
Child Care Facility  
Neighborhood Businesses  
Parking Lots  
Church or Place of Religious Worship

**§27.04.02.03. Conditional Uses Requiring Approval from Board of Zoning Appeals**

Bed and Breakfast  
Cemetery  
Churches or Places of Religious Worship

**§27.04.03.04. Development Standards**

All lots and principal buildings shall conform to the provisions of Ohio Administrative Code Section 3701-27, "Mobile Home Parks".

**§27.04.03.05. Accessory Structures**

Accessory structures must be located more than five feet from any property line, and may not be located within a required front yard. Detached accessory structures may not occupy more than ten percent of the lot.

**§27.04.04. C-1 Downtown Commercial District**

**§27.04.04.01. Purpose**

The downtown commercial district is hereby established to encourage appropriate and compatible commercial development in the downtown area of Nelsonville. It is the intent of this Ordinance to preserve the scenic and historical beauty of this area, and to protect property values in order to promote an attractive economic business area.

**§27.04.04.02. Principal Permitted Uses**

- Accessory Use
  - Bank and Other Similar Financial Establishments
  - Business Retail
  - Business Service Establishments such as Tailor,
    - Dressmaking, Barber/Beauty Shop
    - Child Care Facility
    - Church or Place of Religious Worship
    - Funeral Home
    - General Merchandise Shop
    - Hardware Store
    - Highway Businesses
    - Hotel or Motel
    - Parking Lots
    - Professional Establishments Such as Offices for Doctors, Lawyers, etc.
    - Pharmacy & Drug Store
    - Professional Office Such as Those Offering Medical, Legal, Insurance or Accounting Services
    - Public Service Facility
    - Residence on the Second or Third Floor of Structure Where First Floor is Used for Commercial Purposes (no first floor housing will be allowed around the Public Square.)
    - Restaurant
    - Single Family Dwellings

**§27.04.04.03. Conditional Uses Requiring Approval from Board of Zoning Appeals**

- Apartment Buildings
- Bar or Lounge
- Entertainment Facilities
- Nursing Homes

- Rooming Houses
- Two Family Dwellings
- Townhouses

**§27.04.04.04. Development standards**

All lots principal buildings, outdoor storage buildings, and garages shall meet the following development standards as set forth by the Zoning Officer:

The Zoning Officer shall determine the Minimum Lot Frontage & Lot size, Minimum Front Yard, Rear Yard, and Side Yard, by taking the average Frontage, Size, Front, Rear, and Side setbacks of the lots on the street where the development is to take place. No buildings shall exceed over 45 feet in height.

**§27.04.04.05. Accessory Structures**

Accessory structures must be located more than five feet from any property line, and may not be located within a required front yard. Detached accessory structures may not occupy more than five percent of the lot.

**§27.04.05. C-2 Highway Commercial District**

**§27.04.05.01. Purpose**

The Highway Commercial District is hereby established to encourage compatible commercial development in certain areas along major thoroughfares.

**§27.04.05.02. Principal Permitted Uses**

- Accessory Use
  - Bar or Lounge
  - Barber/Beauty Shop
  - Business Retail and Services
  - Church or Place of Religious Worship
  - Commercial Recreation Facility
  - Entertainment
  - Funeral Home
  - Highway Businesses and Services
  - Professional Services
  - Public Uses
  - Public Services
  - Repair Garage
  - Restaurant
  - Service Station

**§27.04.05.03. Conditional Uses Requiring Approval from Board of Zoning Appeals**

- Apartment Buildings
- Industrial
- Nursing Homes
- Rooming Houses
- Townhouses
- Two Family Dwellings
- Single Family Dwellings

**§27.04.05.04. Development Standards**

All lots principal buildings, outdoor storage buildings, and garages shall meet the following development standards as set forth by the Zoning Officer:

The Zoning Officer shall determine the Minimum Lot Frontage & Lot size, Minimum

**§27.04.05.05. Accessory Structures**

Accessory structures must be located more than five feet from any property line, and may not be located within a required front yard. Detached accessory structures may not occupy more than five percent of the lot.

**§27.04.06. I-1 General Industrial District**

**§27.04.06.01. Purpose**

The General Industrial District is hereby established to provide suitable areas for more intensive industrial development.

**§27.04.06.02. Principal Permitted Uses**

- Accessory Buildings
- Agriculture and Agricultural Services
- Business Retail and Services
- Entertainment Facilities
- Highway Businesses and Services
- Industrial
- Parking Lots
- Professional Services
- Public Services

**§27.04.06.03. Conditional Uses Requiring Approval from Board of Zoning Appeals**

- Apartment Buildings
- Nursing Homes
- Mineral Processing and Storage
- Rooming Houses
- Townhouses
- Two Family Dwellings
- Churches or Place of Religious Worship
- Single Family Dwellings

**§27.04.06.04. Development Standards**

All lots principal buildings, outdoor storage buildings, and garages shall meet the following development standards as set forth by the Zoning Officer:

The Zoning Officer shall determine the Minimum Lot Frontage & Lot size, Minimum Front Yard, Rear Yard, and Side Yard, by taking the average Frontage, Size, Front, Rear, and Side setbacks of the lots on the street where the development is to take place. No buildings shall exceed over 45 feet in height.

Front Yard, Rear Yard, and Side Yard, by taking the average Frontage, Size, Front, Rear, and Side setbacks of the lots on the street where the development is to take place. No buildings shall exceed over 45 feet in height.

**§27.04.06.05. Reserved**

**§27.04.06.06. Site Plan Review Requirements**

Before the issuance of any zoning certificate for any development that includes the construction of any parking area involving 5 or more spaces, a site plan shall be submitted and approved.

**Chapter 27.05. Supplemental Conditions**

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**§27.05.01. Adjustments to Side Yard Requirements for Corner Lots**

Regardless of side setback line requirements and minimum side yard

requirements set forth in other parts of this Ordinance, when a lot is located on a comer of intersecting streets, all yards abutting a public street shall be considered to be a front yard, and shall be required to have front yard setbacks and front yard requirements for all such yards abutting a public street.

**§27.05.02. Visibility at Intersections**

In any district on a comer lot, no fence, structure or planting shall be erected or maintained within thirty (30) feet of the "corner" at a height between two-and-one-half (2½) and ten (10) feet above curb or street grade, or so as to interfere with traffic visibility across the corner. The "corner" shall be the point of intersection of the two right-of-way lines. The Board of Zoning Appeals may hear an appeal for a variance to allow a fence, structure or planting within the

Accessory structures (when not attached to a principal structure) may be located at any location with a rear or side yard; provided however, that an unattached accessory structure may not be located in a required side setback between a permanent structure and the property line, or in an area that would place it closer to the street than the principal structure. Accessory buildings can only be placed on a lot with a principal structure.

**§27.05.06. Reserved**

**§27.05.07. Reserved**

**§27.05.08. Club Swimming Pools**

A club swimming pool shall be any pool constructed by an association of property owners or by a private club for use by members and guests of the association or club. Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

(a) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than the setback required in the district.

(b) The swimming pool and all of the area used by the bathers shall be so walled or fenced be less than six (6) feet in height and maintained in good condition, and shall be provided with a gate and lock.

**§27.05.09. Outdoor Lighting**

Outdoor lighting, when used for

prohibited area, if traffic visibility is not impaired.

**§27.05.03. Architectural Projections**

Open structures such as porches, balconies, platforms, carports and covered patios, and similar architectural projections shall be considered a part of the building to which attached and shall not project into the required minimum front, side or rear yard. Projections of sills, belt course, roof eaves, cornices and similar structural and ornamental features shall not project into required minimum front, side or rear yard.

**§27.05.04. Double Frontage Lots**

Lots having frontage on more than one street shall provide the required front yard along both streets.

**§27.05.05. Accessory Buildings**

security, landscaping, or signage shall be so desired and directed so as not to adversely impact traffic or adjacent properties.

**§27.05.10. Home Occupations**

Where allowed in individual Zoning Districts where residences are permitted, a home occupation may be allowed by the Board of Zoning Appeals, provided that the following conditions are met:

(a) No more than 2 people are employed in the home occupation other than residents of the home.

(b) The space devoted to the home occupation shall not exceed thirty-three percent (33%) of the total floor area of the residence.

(c) There shall be no external evidence of the home occupation, except for a single sign no more than ten (10) square feet in total sign area.

**§27.05.11. Bed and Breakfast Establishments**

Where allowed in individual Zoning Districts pursuant to this Ordinance, a bed and breakfast establishment may be allowed by the Board of Zoning Appeals, provided that said establishment has no more than four (4) bedrooms used for short-term lodging, and provided that adequate ingress and egress from parking areas is designed so as to cause minimum interference with traffic on abutting streets.

**§27.05.12. Height Regulations for Structures**

The height regulations prescribed herein

shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles.

**§27.05.13. Minimum Standards for Single Family Dwellings**

All single family dwelling units including industrialized units shall have a complete and permanent foundation under all exterior walls. Manufactured or industrialized units which do not meet this requirement shall be considered mobile homes.

**§27.05.14. Outdoor Storage Restrictions**

Where permitted and conditionally approved, any outdoor storage shall be in side or rear yards only, shall occupy a maximum 20% of the area of the property on which they are located.

**§27.05.15. Temporary Buildings**

Temporary buildings may be permitted in any district under the following conditions one time per calendar year:

(a) The activity or purpose for the building is a permitted use within the district, with the exception of a building used for a community or charitable event one time per calendar year.

(b) The entire structure is removed from the premises within thirty (30) days of being placed or erected on any property or for any business or owners except that bona-fide non-profit or community

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**§27.06.01. Non-Conforming Uses**

**§27.06.01.01. Continuation of Non-**

organizations may request that the Board of Zoning Appeals extend the thirty (30) days for a set period.

(c) All structures shall comply with applicable building codes and shall comply with all set-back requirements.

**§27.05.16. Political Signs**

(A) Any political sign, circular, banner, poster, handbill, pennant or other similar sign of a temporary nature which by design is calling attention to an upcoming election may be placed in the City of Nelsonville no longer than thirty (30) days before an election. All such signs shall be placed in a location so as not to create a hazard, and shall be maintained in a safe condition and in good repair, or be removed immediately.

(B) Any signs not removed within the five-day period provided for herein shall be deemed abandoned and shall be subject to immediate removal, without notice, by the City of Nelsonville. In that case, the person or group responsible for such abandoned signage shall be cited into Mayor's Court for a minor misdemeanor.

(C) Signs posted under this Ordinance may be placed only with the permission of the property owner.

**Chapter 27.06. Non-Conformities**

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**Conforming Uses**

Any lawful use of buildings or land existing at the effective date of this Ordinance or any relevant amendments hereto, may be continued, even though such use does not conform to the provisions hereof. The non-conforming use of a building may be extended throughout those existing parts of the building that were, arranged or designed for such use.

**§27.06.01.02. Expansion or Enlargement of Non-Conforming Uses**

No non-conforming building or structure shall be moved, extended, enlarged, or altered and no non-conforming use of land shall be expanded, except with the approval of the Board of Zoning Appeals.

**§27.06.01.03. Discontinuation of Non-**

**Conforming Uses**

A non-conforming use other than residential which is discontinued for a period of one (1) year shall not again be used except in conformity with the regulations of the district in which it is located.

**§27.06.01.04. Reconstruction of Non-Conforming Uses**

A non-conforming use which has been damaged by fire, explosion, act of God or the public enemy may be repaired or reconstructed, and used as before the time of the damage, provided such repairs or reconstruction are started within one (1) year of the date of such damage. If repair or reconstruction is not started within the one (1) year period, then it shall not be restored except in conformity with the regulations of the district in which it is located.

**§27.06.01.05. Non-Conforming Mobile Homes**

A non-conforming trailer or mobile home located on a lot (outside a manufactured home park) in any district, once removed, shall not be relocated on such lot unless the unit was "traded-in" for another unit which is at least equal to the trade-in. In this instance, the replacement shall be on site within thirty (30) days of the removal of the previous unit.

**§27.06.01.06. Non-Conforming Uses Under Construction**

Any building arranged, intended or designed for a non-conforming use, the construction of which was started at the time of the passage of this ordinance, may be completed and put into such non-conforming use within one (1) year after this Ordinance takes effect.

**§27.06.01.07. Change of Non-Conforming Uses**

An existing non-conforming use may be changed to another non-conforming use provided that no structural alterations are made (except as specifically required by enforcement of other codes and regulations), and provided that prior approval is granted by the Board of Zoning Appeals. In considering such a change, the Board of Zoning Appeals may require specific conditions and additional development standards to minimize adverse impacts to adjoining property.

**Chapter 27.07. Enforcement**

**§27.07.01. .... Zoning Certificates**

**§27.06.02. Non-Conforming Structures**

**§27.06.02.01. Continuance of Non-Conforming Structures**

Where a lawful structure exists at the time of the effective date of this Ordinance, or any amendment hereto that could not be built under the terms of this Ordinance because of regulations on building size, lot coverage, height, yard requirements, or similar dimensional requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No such non-conforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its non-conformity.

(b) A non-conforming structure which has been damaged by fire, explosion, act of God or the public enemy may be repaired or reconstructed, and used as before the time of the damage, provided such repairs or reconstruction are started within one (1) year of the date of such damage. If repair or reconstruction is not started within the one (1) year period, then it shall not be restored except in conformity with the regulations of the district in which it is located.

(c) Should a non-conforming structure be moved for any reason, it shall thereafter conform with the regulation for the district in which it is located after it has moved.

**§27.06.03. Non-Conforming Lots of Record**

**§27.06.03.01. Non-Conforming Lots of Record**

In any district, a permitted structure and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances from requirements other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals.

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**§27.07.01.01. Zoning Certificates Required**

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§27.07.01. Zoning Certificates

§27.07.01.01. Zoning Certificates Required

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate is issued by a Zoning Officer. It shall be the duty of the Zoning Officer to issue a certificate, once satisfied that the structure, building or premises and the proposed use thereof conform with all the requirements of this Ordinance. No permit for excavation, construction, or reconstruction shall be issued by the Zoning Officer unless the plans, specifications and the intended use conform to the provisions of this Ordinance. A Zoning Certificate shall be required for any of the following, except as herein provided:

- (a) Construction or structural alteration of any building, including accessory buildings.
- (b) Change in use of an existing building or accessory building to a use of a different classification.
- (c) Occupancy and use of vacant land.
- (d) Change in the use of land to a use of a different classification.
- (e) Any change in the use of a non-conforming use.

§27.07.01.02. Zoning Certificates for Existing Uses Which May Be Non-Conforming

Upon written request from the owner or tenant, the Zoning Officer shall issue a Zoning Certificate for any building or premises existing at the time of enactment

of this Ordinance that certificates, after inspection, the extent and kind of use made of the building and premises and whether such use conforms to the provisions of this Ordinance.

§27.07.01.03. Application and Issuance of Zoning Certificates

Written application shall be made for a Zoning Certificate for the construction of a new building or the expansion or structural alteration of an existing building. Said certificate shall be issued within thirty (30) working days after a complete written request for the same has been made to the Zoning Officer or his agent, provided such construction or alteration is in conformity with the provisions of this Ordinance and the off-street parking ordinance. Every application for a Zoning Certificate shall be accompanied by a site plan and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be true. Each plan shall show:

- (a) The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
- (b) The name of the plan, if any, and the lot numbers of the abutting properties.
- (c) The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
- (d) The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
- (e) Any other information that, in the judgment of the Zoning Officer, may be necessary to enforce this Ordinance.

§27.07.01.04. Fees for Zoning Certificates

A non-refundable application fee of Ten Dollars (\$10.00) shall accompany each application for a Zoning Certificate. The Zoning Officer shall act upon the application within thirty (30) days, and shall either issue a Zoning Certificate or describe in writing the reasons why a permit cannot be issued. He will also be responsible for collection and deposit of all fees for credit to the general revenue fund of the City. Zoning Certificates shall be issued for a period of one year. A written request for a one year extension may be submitted prior to expiration of the permit, and shall be reviewed by the authority approving the original

application. Zoning Certificates shall be revocable by the Zoning Officer if conditions change to the extent that the permit is no longer representative of the proposed activity, or if requirements are not being met. Revocation of a Zoning Certificate shall constitute an Order to Cease Construction. Application for a Zoning Certificate shall constitute consent for access onto the premises under construction. If an application is submitted for review by a higher authority, such submittal for review shall constitute consent for access onto the

It shall be unlawful for any individual, corporation, or other responsible entity to locate, erect, construct, reconstruct, enlarge, structurally alter, maintain or use any building or land in violation of any regulation or any provisions of this Ordinance or any amendment. Whoever violates this Ordinance shall be deemed guilty of a minor misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) each day during which such illegal location, erection, construction, reconstruction, enlargement, structural alteration, maintenance, or use continues may be deemed a separate offense.

**§27.07.02.02. Remedies**

Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statements shall be established to the satisfaction of the issuing authority, the certificate shall be revoked by notice in writing to be delivered to the holder of the void certificate upon the premises concerned or if such holders be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new certificate according to this Ordinance shall be deemed guilty of violating this Ordinance.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, structurally altered, maintained or used or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Zoning Officer (through the City Attorney) or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandates, abatement, or any other

premises by the reviewing authority.

**§27.07.01.05. Zoning Certificate Records**

A record of all Zoning Certificates shall be kept on file in the office of the Zoning Officer or his agent, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

**§27.07.02. Violations and Penalties**

**§27.07.02.01. Penalties**

appropriate action, actions, proceeding, or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, structural alteration, maintenance or use.

**§27.07.02.03. Enforcement**

It shall be the duty of the Zoning Officer to enforce this Ordinance. It shall also be the duty of all officials and employees of the municipality to help with the enforcement of this Ordinance by reporting to the Zoning Officer facts concerning new construction, reconstruction, or land uses or seeming violations. An appeal from the decision of the Zoning Officer may be made to the Board of Appeals.

**Chapter 27.08. Administration**

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**§27.08.01. Planning Commission**

**§27.08.01.01. Organization of the Planning Commission**

The City of Nelsonville Planning Commission was established and organized under the Nelsonville City Charter.

**§27.08.01.02. Powers and Duties**

With respect to the administration of this Zoning Ordinance, the Planning Commission has the following responsibilities:

(a) To initiate proposed amendments to this Ordinance.

(b) To review proposed amendments to this Ordinance.

**§27.08.01.03. Hearings and Rules**

The hearings of the Planning Commission shall be public. However, they may go

**§27.08.02.02. Powers and Duties**

The Board of Zoning Appeals shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Ordinance or any amendments thereto. The Board shall also interpret provisions of this Ordinance as needed to carry out the purpose and intent of this Ordinance. This includes interpretation of the Zoning District Map when and if questions arise as to the boundaries of Zoning Districts.

(b) To consider variances from the terms, provisions or requirements of this code as will not be contrary to the public interest; so that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.

(c) To review and act upon applications for conditional uses.

(d) To review and act upon changes to non-conforming uses.

**§27.08.02.03. Alleged Errors or Matters**

into executive session for discussion according to applicable laws, but not for vote on any case before it. The Planning Commission shall adopt from time to time such rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.

**§27.08.01.04. Minutes and Records**

The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the City Auditor and shall be a public record.

**§27.08.01.05. Witnesses and Oaths**

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

**§27.08.02. Board of Zoning Appeals**

**§27.08.02.01. Organization of the Board of Zoning Appeals**

The City of Nelsonville Board of Zoning Appeals was established and organized under the Nelsonville City Charter.

**of Interpretation**

An appeal to the Board involving an alleged error of interpretation by the Zoning Officer, or a matter of interpretation, may be made by any person aggrieved or by an Officer of the City affected by any decision of the Zoning Officer, or the matter of the interpretation.

**§27.08.02.04. Variances**

In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Ordinance. The Board may grant a variance in the application of the provisions of this Zoning Ordinance only if all of the following findings are made:

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions that do not apply generally to other properties in the neighborhood or district in which the property is located.

(b) That because of such physical

circumstances or conditions the property cannot be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property.

(c) That such unique conditions have not been created by the appellant.

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

#### **§27.08.02.05. Conditional Uses**

Within Zoning Districts there may be uses listed as conditional. The Board of Zoning Appeals shall have the power to decide applications for conditional uses in those cases specified in this Ordinance. In considering such applications, the Board shall give due regard to the nature and condition of all adjacent uses and structures and may impose such requirements and conditions as the Board may deem necessary for the protection of adjacent properties and the public interest, which includes additional landscaping, screening, buffering, or other site design modifications. To approve a conditional use, the Board must find that all of the following conditions are true:

(a) That the proposed use is in fact listed as conditional use in the Zoning District.

(b) That the proposed use will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

(c) That the proposed use will not  
Approval of a change to non-conforming uses shall be deemed to authorize only one particular use. Such approval shall expire if such use has not been instituted in one year or if discontinued for more than one (1) year.

#### **§27.08.02.09. Hearings and Rules**

The hearings of the Board of zoning Appeals shall be public. However, the Board may go into executive session for

be hazardous or disturbing to existing or future neighboring uses.

(d) That the proposed use would be served adequately by essential public services such as highways, police and fire, drainage, refuse disposal, water and sewer or schools.

(e) That the proposed use will not create excessive additional requirements at public cost for facilities or services, unless the City Council agrees, in writing, to provide such facilities or services.

(f) That the proposed use will not involve activities, processes, materials, equipment, or conditions of operation that would be detrimental to the neighborhood because of excessive traffic, noise, smoke, or odors.

(g) That the proposed use will not have vehicular approaches to the property that will create interference with traffic movement.

#### **§27.08.02.06. Expiration of Approval of Conditional Uses**

Approval of a conditional use shall be deemed to authorize only one particular conditional use. Such approval shall expire if such use has not been instituted in one year or if discontinued for more than one (1) year.

#### **§27.08.02.07. Change to Non-Conforming Uses**

To approve a substitution of a new non-conforming use for an existing nonconforming use, the Board must find that proposed non-conforming use is substantially similar to the existing non-conforming use in terms of impact on the neighborhood. The Board may impose additional requirements upon the new non-conforming use as may be considered reasonable to minimize impacts upon surrounding property. An expansion of a non-conforming use may only be approved if it is found that such expansion will not be detrimental to the neighborhood.

#### **§27.08.02.08. Expiration of Approval of Changes to Non-Conforming Uses**

discussion according to applicable laws, but not for vote on any case before it.

#### **§27.08.02.10. Minutes and Records**

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the City

Auditor and shall be a public record.

**§27.08.02.11. Witnesses and Oaths**

The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents as it may deem necessary.

**§27.08.02.12. Department Assistance**

The Board may call upon the various officials and employees of the municipality for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

**§27.08.02.13. Applications**

An application, in a case in which the Board has original jurisdiction under the provisions of this Ordinance, may be submitted to the Zoning Officer who shall transmit the application to the Board.

**§27.08.02.14. Notification**

The Board shall fix a reasonable time for a hearing of a matter to come before it, and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality and at least ten (10) days notice to parties having proprietary interest in land within two hundred (200) feet of any property in question. At this hearing, the applicant party must appear in person or by a representative. Any other interested party may appear in person or by a representative. The hearings of the Board shall be public. However, the Board may recess for discussion but not vote on any case before it.

**§27.08.02.15. Decisions of the Board**

The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon, A copy of the Board's decision shall be transmitted to the Zoning Officer and to the applicant. Such decision shall incorporate the terms and conditions of the same in the permit is authorized by the Board. Appeals to the decisions of the Board of Zoning Appeals may be made, in writing, to the City Council.

**Chapter 27.09. Amendments**

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**§27.09.02. .... Notice and Public Hearings**

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**§27.09.02.01. ... Hearings and Notifications**  
**27 - 15**

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**§27.09.01. General**

The Council may amend or change the number, shape, area, or regulations of or within any district, but no such amendment or change shall become effective unless the Ordinance proposing it is first submitted to the Planning Commission for review and suggestions and the Commission is allowed a reasonable time, not less than thirty days, for consideration and report.

**§27.09.02. Notice and Public Hearings**

**§27.09.02.01. Hearings and Notifications**

Before any Zoning Ordinance, measure, regulation, or amendments thereto are passed, the Council shall hold a public hearing thereon, and shall give at least thirty days notice of the time and place thereof in a newspaper of general circulation in the City. If the ordinance, measure or regulation intends to re-zone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of the Council, by first class mail, at least thirty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by the Council. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation. During such thirty days the text or copy of the text of such ordinance, measure, or regulation, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure, or regulation and be on file, for public examination, in the office of the Clerk of Council or in such other office as is designated by the Council.

**§27.09.02.02. Application Fees**

At the time an application for a change of Zoning Districts is filed there shall be deposited with the municipality a fee of Twenty-five Dollars (\$25.00).

**Chapter 27.10. Validity and Separability**

If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not

This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

affect the validity of the remaining portions of this Ordinance.

**Chapter 27.11.**

**Effective date**