

Lexington Village Zoning

Other Changes

1. Farmer's Market Regulations

1. Farmer's Market applicants must provide a written application providing contact information, as well as rules for the event, location and time of operation. Said application shall be preapproved by Village Council.
2. Vendors' products must meet all state and local requirements for food safety and quality.
3. Vendors may not sell any products that have not been approved or inspected by the Ohio Department of Agriculture.
4. Markets must provide adequate parking, restroom facilities, trash receptacles and accessible walkways.
5. Vendors must post signs indicating pricing and other rules at each booth.
6. All vendors must collect sales tax from customers and submit it to the Ohio Department of Taxation for remittance to the state.
7. Vendors must obtain the necessary permits to operate from the local health department or other governing agency.
8. Applicants shall provide a copy of applicable liability insurance for no less than One Million Dollars.

PROHIBITED CONDUCT

The following conduct shall be prohibited:

- (a) No merchandise shall be displayed or sold within ten feet of a:
 - (1) Doorway or entranceway or within ten feet of prolongation of a doorway or entranceway to the curblineline;
 - (2) Crosswalk;
 - (3) Designated bus stop;
 - (4) Fire hydrant; or
 - (5) Curbcut.
- (b) No merchandise shall be displayed on any utility pole, planter, tree, trash container, public bench, or other sidewalk fixture.
- (c) No merchandise shall be displayed or sold in any manner that blocks, obstructs, or restricts the free passage of pedestrians in the lawful use of sidewalks.
- (d) Vendors shall remove all equipment, vehicles and price postings from their places of operation at the end of each day.

- (e) No vendor shall operate on any private property without the express permission of the landowner or tenant in possession.
- (f) No vendor shall operate in municipal parks, street rights of way or on any other public property.
- (g) No vendor shall leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him or her.
- (h) No vendor shall solicit or conduct business with persons in motor vehicles.

PENALTY

Whoever violates any provision of these regulations is guilty of a misdemeanor of the fourth degree and shall be fined not less than One Hundred Dollars (\$100.00). Each day of operation in violation of these regulations shall be considered a separate offense.

- . Specifically state that outside/exterior wood burning units are prohibited.

3. Add Zoning Variance section to include Area Variance:

ZONING VARIANCE

- a. USE VARIANCE: Is defined as a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Resolution would cause undue hardship owing to circumstances unique to the individual property for which the variance is sought.

The crucial factors of a variance are undue hardships and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

- b. AREA VARIANCE: Is defined as a variance which relates solely to area requirements. The standard to be applied is practical difficulties and whether the area zoning requirement applied to the particular property is reasonable. Numerous factors are to be considered and are not listed in Section 1157.03(g).

Section 1157.03(g): To grant use or area variances in the use of land permitted in a particular district where the proposed use is similar in character to the uses already permitted in the district and the proposed use will be consistent with the overall character of the district as stated in the Resolution.

- a. A Use Variance shall not be granted unless all of the following conditions apply to the case in question:
 - (1) There are unique circumstances or conditions applying to the land, building or use referred to in the application, which circumstances were not created by the applicant.
 - (2) The granting of a variance application is necessary for the preservation and enjoyment of substantial property rights to avoid undue hardship.
 - (3) The granting of the application will not materially affect, adversely, the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.
- b. An Area Variance shall not be granted unless the property owner has encountered practical difficulties in the use of his/her property. The factors to be considered and weighed by the Commission are:
 - (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 - (2) Whether the variance is substantial.

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a detriment as a result of the variance.
- (4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction.
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- (7) Whether the spirit and intent behind the zoning requirement would be required to be observed and substantial justice done by granting the variance.

In granting any variance under the provision of this section, the Commission Appeals shall designate such conditions in connection therewith as will, in the opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

4. Junk

Option: Replace 1105.04 with the following definitions:

JUNK is defined as:

Scrap metals, and wood of all kinds (except for firewood), bones, rags, ceramics and plastics, used bottles or cans or paper packaging, old or used machinery, tools equipment, appliances, motor vehicles or parts thereof, used construction materials and any and all other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture. A motor vehicle which is in a wrecked, dismantled or worn out condition, or unfit for operation as a motor vehicle shall be considered junk. Regardless of valid Ohio vehicle licensing and/or registration.

JUNKYARD is defined as:

A place outside a building where junk is brought, sold, exchanged, baled, packed, disassembled, stored, or handled.

Junk and junkyards are prohibited and are considered a nuisance.

5. Home Occupation

Currently:

1109.01 REGULATION OF USE AND DEVELOPMENT

(b) Nothing in this Zoning Code shall be construed to prohibit the rendition in residential zones of traditional domestic services such as laundry, ironing, sewing or alterations, baking or decorating cakes, babysitting, or the use of a dwelling by those persons who may be sales agents or representatives, and do not display or exhibit a business use to the public, and where no employees or customers come to the home for the purpose of transacting business, provided such use:

- (1) Is incidental and subordinate to the primary residential use.
- (2) Does not involve any activities outside the principal building including the storage of materials or products.
- (3) Employs no person not a resident of the premises.
- (4) Requires no structural alterations or additions, provided the garage may be used so long as the activity does not preclude the storage in said garage of the number of vehicles for which it was designed.

Option:

1109.01 HOME OCCUPATION

A conditional use is an occupation, activity, profession, service, craft or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or in an accessory building, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than five patrons of such services at any one time. Compliance is required with other state, county and local regulations. The home occupation factors include:

- a. It is incidental and subordinate to the primary use of the dwelling and not occupy more than thirty percent (30%) of the gross first floor living area of any one dwelling unit.
- b. It does not involve the employment of non-residents of the dwelling
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupations other than one sign not exceeding two (2) square feet in area, non-illuminated. No sign permit shall be required.
- d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood.
- e. There shall be no display of stock in trade or commodities should except those which are produced on the premises.
- f. Any garage on the premises may be used provided such use does not preclude the storage therein of the number of motor vehicles for which it was designed.

6. Village Excluded

1109.04 APPLICABILITY OF ZONING TO EXCLUDE VILLAGE

This Ordinance applies to all land and to every structure lying within the limits of the Village of Lexington as those limits now exist or may hereinafter be altered by annexation except land owned by the Village of Lexington as a municipal corporation. However, for any development proposed by the Village of Lexington a site plan is required and shall be submitted to the Village Planning Commission pursuant to Section 1157.03(C) and the Village Planning Commission may make a recommendation of the site plan. The site plan may be submitted prior to or after the Village's actual ownership of land. Land owned by the United States of America, the State of Ohio, Richland County, or any other political subdivision or any department or agency of any of them shall be subject to this Ordinance except to the extent expressly exempted by law.

7. Boats and RV's

Currently:

1355.04 EXTERIOR APPEARANCE OF PREMISES AND STRUCTURES.

(a) Residential.

(2) Storage of boats or recreational vehicles in off season. Boats or trailers or recreational vehicles may be stored on a driveway with an approved hard surface or in a side or rear yard during the off season. Boats or recreational vehicles which have not been moved for a period of eight months, must be either removed from the premises or stored within a garage or other storage building on the property.

Option:

1355.04 EXTERIOR APPEARANCES OF PREMISES AND STRUCTURES.

(a) Residential.

(2) Boats and recreational vehicles. Boats and recreational vehicles may be temporarily parked on a driveway with an approved hard surface for up to thirty (30) days in each calendar year, unless stored within a garage or other lawful storage building on the property.

Utility trailers less than twenty (20) feet in total length may be stored in the rear yard of any lot, provided that a ten (10) foot setback from all property lines is provided.

Commercial trailers, including concession trailers, may be stored only within a completely enclosed building.

Recreational vehicles and trailers are prohibited from being stored in any public right of way.

All recreational vehicles and trailers shall be kept in good repair and carry a current year's license and registration.

8. Central Business District

Currently:

1125.02 PERMITTED USES.

- (a) Those uses which are permitted in Section 1123.02, B-1 General Business District and Residential uses as conditionally permitted in Section 1123.03(b) subject to the conditions of that section, with the exception of Off-Street Parking as the primary use of the lot.
- (b) Hotels and motels.
- (c) Brew pubs (with or without restaurant).
- (d) Motion picture theaters and concert halls.

1125.03 CONDITIONALLY PERMITTED USES.

- (a) Convenience stores.
- (b) Gasoline service stations.
- (c) Off-Street parking and loading as the primary use of the lot.
- (d) Bed and breakfast operations subject to the conditions described in Section 1117.03(g).
- (e) Public utility and public service buildings and uses, excluding storage yards, when operating requirements necessitate the location of said building within the district in order to serve the immediate vicinity, subject to conditions as outlined in Section 1111.03(b).

Option:

1125.02 PERMITTED USES.

- (a) Those uses which are permitted in Section 1123.02, B-1 General Business District and Residential uses as conditionally permitted in Section 1123.03(b) subject to the conditions of that section, with the exception of Off-Street Parking as the primary use of the lot.
- (b) Hotels and motels.
- (c) Microbreweries

1125.03 CONDITIONALLY PERMITTED USES.

- (a) Off-Street Parking and loading as the primary use of the lot.
- (b) Bed and breakfast operations subject to the conditions described in Section 1117.03(g).
- (c) Public utility and public service buildings and uses, excluding storage yards, when operating requirements necessitate the location of said building within the district in order to serve the immediate vicinity, subject to conditions as outlined in Section 1111.03(b).

9. Solar Energy Systems

SOLAR ENERGY SYSTEMS

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

A) Definitions

1. “Ground Mounted Solar Energy Systems” means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
2. “Integrated Solar Energy Systems” means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
3. “Rooftop Solar Energy Systems” means a solar energy system that is mounted to a structure or building’s roof on racks.
4. “Solar Energy” means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
5. “Solar Energy System” means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

B) Permitted/Conditional Uses

1. Only solar energy systems designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts are permitted.
2. Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be a conditional use in the following zoning districts: All districts except Manufactured/Mobile Home District.
3. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Rooftop Solar Energy System shall be a conditional use in the zoning districts.
4. Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a conditional use for parcels that exceed 5 acres in size.

C) General Requirements

1. Integrated Solar Energy Solar Systems:
 - i. Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
 - ii. Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than 70% of a structure’s walls and/or roof, as applicable.

2. Ground Mounted Solar Energy Systems:
 - i. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed ten (10) feet.
 - ii. Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, all Ground Mounted Solar Energy System(s) shall not exceed in the aggregate 15% of the total area of the lot or tract.
Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering and screening) for lots in the zoning district where located.
 - iii. Any small Solar Facility other than an Integrated or Rooftop Solar Energy System shall be located entirely in the rear yard.
 - iv. Shall meet the isolation distance of underground utilities such as septic systems (in service or planned), sewers, etc. Any modifications to existing underground utilities will be the responsibility of the solar energy system owner upon receiving appropriate approvals.
 - v. Components: All exterior electrical lines must be located entirely underground and placed in conduit.
3. Lighting: Any lighting for a Small Solar Facility shall narrowly focus light inward toward the solar equipment, be downlight and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
4. Noise: No Small Solar Facility shall emit sound to an adjacent lot.
5. Setbacks: Any Small Solar Facility must comply with the setback requirements for accessory buildings applicable to the zoning district where located.
6. Maintenance/Removal: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and/or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation. Compliance with zoning regulations shall be the responsibility of the property owner, including, but not limited to, equipment installation, maintenance, abandonment, dismantling and removal.
7. Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction. Inspection by the Troy Township Fire Department is also required.

8. Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
9. Other Restrictions: All Solar Facilities shall comply with all applicable federal, state, and local laws, rules, and regulations.
10. Electric Usage: Electric Usage shall be determined by the size of panels that are installed for residential and farm use.
11. Panels: All panels must be mounted at a maximum of 300 feet from electric meters.

D) Certificate of Zoning Compliance

1. A certificate of zoning compliance shall be required before any construction, reconstruction, alteration, or enlargement is commenced.
2. Applicant shall provide the Village Administrator with the following items and/or information when applying for a certificate of zoning compliance.
 - a) An engineering report that shows:
 - i) The total size and height of the proposed solar equipment.
 - ii) Data specifying the megawatt size and generating capacity in megawatts of the particular equipment.
 - iii) Hazardous materials containment and disposal plan.
 - b) A site drawing showing the location of all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
 - c) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
 - d) A maintenance schedule as well as a dismantling plan that outlines how all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 - e) Any other information or materials reasonably requested by the Zoning Inspector.

10. Zoning Enforcement

Add to Penalty section that the first offense is no more than \$100, second offense is \$250 and third offense is \$500, with each day a new offense.

11. Storage Sheds/Accessory Building and Uses

Accessory buildings and uses as permitted in this Zoning Code shall be subject to the following conditions:

- (a) An accessory building attached to the principal building shall comply with the requirements of this Zoning Code applicable to the main building.
 - (1) Within an R-Residential District, an accessory building shall not exceed 10 feet in height unless the accessory building is used for a garage for housing of vehicles, in which the permitted height shall not exceed 15 feet and shall not be taller than the primary residence.
 - (2) Accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard depth facing adjacent streets.
- (b) Accessory buildings or uses shall be considered in computing the maximum percent of land area covered by structures.
- (c) A detached accessory building or use shall be located no closer than six feet from any required side or rear lot line and may not be closer to the front lot line than the primary building.
- (d) Only one accessory building shall be permitted on each residential lot.
- (e) No shipping containers are permitted.

