

NOTE: Amending Ord.
#97-5 (Jan. 21, 1997)
#09-02 (Jan. 6, 2009)

ORDINANCE NO. 83-14

ZONING CODE: AN ORDINANCE ZONING THE
VILLAGE OF SOUTH POINT, OHIO PURSUANT
TO OHIO REVISED CODE 713.01, ET SEQ.

BE IT ORDAINED by the Village of South Point, Ohio acting through its council
that the following zoning ordinance be adopted for said Village, to-wit:

- SECTION ONE: The following ordinance shall be known as the zoning code
of the Village of South Point, Ohio.
- SECTION TWO: DEFINITIONS - See Appendix "A".
- SECTION THREE: ENFORCEMENT: It shall be the duty of the Village
Administrator to administer and enforce this code by
the grant or refusal of permits and occupancy, authoriza-
tions and in the accordance with the provision of this
code.
- SECTION FOUR: PERMIT REQUIREMENTS, APPLICATIONS AND ISSUANCE:
- (A) Before commencing or proceeding with the erection,
construction, enlargement, alteration, repair or removal
of any house, building or other structure, or any part
thereof, or the use of the same after the construction
thereof, a permit for such building or structural or re-
pair work or an authorization for such use shall first be
obtained by the owner, or his agent, or the occupant thereof
from the enforcement officer and it shall be unlawful to
commence or proceed with any such work or use unless such
permit is first obtained.
- (B) When a permit is issued, the operation called for by
it shall be for a term of one year from its date and at the
expiration of the period a new building permit shall be ob-
tained in the same manner as provided for the original build-
ing permit, before the work can proceed further.
- (C) Applications for permits shall be filed in duplicate
upon appropriate forms furnished by the enforcement officer
accompanied by a lot or plat showing the dimension of
the lot and the location and dimensions of the building.
The application shall state the character, use and extent of
the building or structure to be erected and the exact loca-
tion thereof, including the subdivision name, block number,
lot number, street name and number, the contractor employed
for building the same and such other information or data as
the enforcement officer may require. If the enforcement of-
ficer approves such application for a permit and such appli-
cation is found to be in accordance with the provisions of
this zoning code, the enforcement officer shall make an entry
of such approval upon the application, which shall thereupon
be filed with the Village Clerk.

(D) Upon the filing of the application herein provided for, and upon the payment of required fees, a permit shall thereupon be issued to such person or persons to erect such building or structure and the required fees for issuing each and every permit as aforesaid shall be as specified by this Code.

SECTION FIVE: OCCUPANCY AUTHORIZATION: After any building or structure has been constructed in accordance with the building permit or other permit and the provisions of this Code, it shall be the duty of the enforcement officer to make authorization for occupancy of the same certifying that the building or structure has been constructed in accordance with the permit and this Code, and authorizing the installation of utilities and municipal services and the occupancy of the building or structure.

SECTION SIX: CODE TO BE MINIMUM REQUIREMENT: In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

SECTION SEVEN: SEPARABILITY: Should any section, clause or provision of this Code be declared by the courts to be invalid, the same shall not affect the validity of the Code as a whole or any part thereof other than the part so declared to be invalid.

SECTION EIGHT: BOARD OF APPEALS: See Appendix "B".

SECTION NINE: PENALTY: (A) Whoever violates any provision of this Zoning Code or fails to comply therewith or with any requirement thereof or whoever erects, constructs, alters, enlarges, repairs or uses, or has erected, constructed, altered, repaired or used any building, structures or land in violation of this Code or of a permit or authorization issued thereunder shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00 and shall pay the costs of prosecution and each day during which such violation or failure to comply is permitted to exist shall constitute a separate and distinct offense.

(B) The owner of a building, structure or premises where anything in violation of this Code shall be placed or shall exist or be used, and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of separate offense and upon conviction thereof shall be fined as provided by subsection (A) hereof.

SECTION TEN: DISTRICTS (A) for the purpose of the provisions and regulations of this Zoning Code, the Village and such other territory as shall request to be under the jurisdiction of this code are hereby divided into classes of districts as follows: Residence, Industrial and Business.

(B) No building or structure shall be erected, reconstructed, enlarged, structurally altered or used, nor shall any land be used for any purpose except for the permitted use specified for the district in which such building, structure or land is located.

(C) No building or structure shall be erected, reconstructed, enlarged or structurally altered either in excess of the height limit or contrary to the area requirements for the district in which such building or structure is located.

SECTION ELEVEN: The boundaries of the districts as classified in Section 1109.01 are established as shown on the Zoning Map, which forms a part of this Zoning Code and is placed on file in the office of the Village Clerk (continued on Page 3-A)

SECTION TWELVE: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES: (A) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following shall apply:

(1) Boundaries indicated as approximately following the centerlines or right of way lines of streets, highways or alleys shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated approximately following Village limits shall be construed as following Village limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries indicated as following rivers and streams shall be construed to follow the approximate centerline of such river or stream and in the event of change in such river or stream shall be construed as moving with the actual centerline.

(6) Boundaries indicated as parallel to, or extensions of, features indicated in subsections (a) (1) to (5) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(7) Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by subsections (a) (1) to (6) hereof, the Board of Zoning Appeals shall interpret the district boundaries in accordance with Appendix "B".

SECTION THIRTEEN: APPLICATION OF DISTRICT REGULATIONS: Except as hereinafter provided:

(A) No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof 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.

AMENDMENT

SECTION ELEVEN-A Property Abutting - said streets

Boundary Line starting at the West End and extending to Eisenhower Street shall be commercial, Industrial and Residential. Fourth Avenue from Eisenhower Street extending to the east end of the Village shall be commercial and residential.

Eisenhower Street from 4th Street to 6th Street shall be commercial.

Sixth Street from Eisenhower Street North to Park Avenue on the West Side shall be Commercial and Industrial - East Side shall be Residential.

Sixth Street from Park Avenue to property line going NorthWest on the West Side shall be Industrial - East side shall be Residential.

Park Avenue from High Street to Linden Avenue and High Street extending to halfway to Washington Avenue shall be Commercial and Residential.

Solida Road from 4th Street to the end of the Village Corporation East Line shall be Commercial and Residential.

Sand Road (Delta Lane) from Solida Road to Corporation Line shall be commercial and residential.

Hooper Drive from 4th Street to River shall be Commercial and Residential.

North Kenova Road from 4th Street to Glendon Avenue shall be Commercial and Residential.

Street from Solida Road to the South Point Ethanol Plant Property shall be commercial.

All other said properties not mentioned shall be residential only.

SCIOTO AVENUE - FROM NORTH KENOVA ROAD WEST TO ANITA AVENUE
EFFECTIVE 1/20/87

(B) No building or other structure shall hereafter be erected or altered; to exceed in height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area and to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this chapter.

(C) Not part of a yard, or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

(D) No yard or lot existing at the time of passage of this Code shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this Code.

(E) Within each district, the regulations set by this Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

(F) All territories hereafter annexed to the Village shall be zoned at the time such territory is annexed.

SECTION FOURTEEN: SCHEDULE OF DISTRICT REGULATIONS ADOPTED: District regulations shall be as set forth in the Schedule of District Regulations hereby adopted by reference and declared to be a part of this Code.

SECTION FIFTEEN: RESIDENCE DISTRICT: (A) It is the purpose of this residence district to encourage establishment and the preservation of residential neighborhoods characterized by high density development, appropriate levels of service and choice of tenancy. Nonresidential uses permitted in this district shall be limited to those uses and buildings that will provide stability and dignity to the area as a residential neighborhood.

(B) PERMITTED USES: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following:

- (1) Religious and Cultural: Churches, synagogues and other places of worship, Sunday School buildings, schools for academic instructions, public libraries, museums, art galleries and similar public cultural uses.
- (2) Public Facilities: Publicly owned and operated facilities by Municipal, County, State and Federal governments as required to provide service to the residential area. Such facilities to include parks, playgrounds, recreation and community center buildings, golf courses, swimming pools and similar recreational uses including structures and concessions as are necessary for their operation, administrative buildings and utility stations.

- (3) Agricultural: Nurseries, greenhouses, and general farming, not including animal or poultry farms and kennels.
 - (4) Recreational: Private, noncommercial recreations areas including country clubs, golf courses and swimming pools.
 - (5) Residential: One, two, three and four family dwellings and dwelling groups containing not more than four dwelling units in any one building.
 - (6) Offices for Physicians, Surgeons, Dentists and other health care professions such as Optometrists, Chiropractors and Chiropractors providing there is written consent of sixty percent of the adjacent property owners, or agents, and off-street parking is available to accommodate one space (10 feet by 20 feet) for each 400 feet of floor area.
 - (7) Convalescent Homes: Nursing homes or rest homes for convalescent patients, children's nurseries and similar uses.
 - (8) Residential: Multiple family dwellings for any number of families or housekeeping units.
 - (9) Lodging and Boarding Houses: Lodging and boarding houses, including incidental accessory service.
 - (10) Institutional: Hospitals for human care, provided that buildings which are used for the treatment of contagious diseases, the care of epileptics, drug addicts, the feebleminded or insane shall be at least 150 feet distant from any lot in any residential district.
 - (11) Cultural: Colleges for academic instruction.
- (C) ACCESSORY USES AND BUILDINGS: Accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use located on the same lot therewith including:
- (1) Residential: Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - (2) Customary Home Occupations: Customary home occupations such as handicrafts, dressmaking, millinery, laundry, preserving and home cooking, provided that not more than 1/4 of the area of one floor of the residence shall be used for such purposes. In addition, such customary home occupation shall meet the criteria as specified herein. Customary home occupations shall meet the following criteria: (a) No unreasonable use of material or mechanical equipment not recognized as being part of and compatible with normal household use. (b) The use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal to the district in which located. (c) It shall not involve the use of commercial vehicles for delivery of materials to or from the premises. (d) It shall not involve the use of signs other than one nonilluminated sign not over one square foot in area and attached flat against the principal building and there shall be no public display of goods. (e) No accessory building or space outside of the principal building shall be used for such purposes. (f) No

special space within the principal building shall be designed or arranged for such use nor shall it require any internal or external alterations or involve construction features not customary to dwellings either by color, materials or construction, lighting, sound or notice vibration or electrical interference, etc. (g) There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.

(3) Accessory Buildings: Accessory buildings and structures customarily incident to any principal use and including: private garages, off-street parking and temporary buildings for uses incidental to construction of work which building shall be removed upon completion or abandonment of the construction work.

SECTION SIXTEEN: BUSINESS DISTRICTS: Any legal business or industry otherwise prohibited by law may be established in the business district.

SECTION SEVENTEEN: Notwithstanding the foregoing, it shall be lawful for residences to be placed, erected, built, expanded and otherwise to exist in the business and industrial areas.

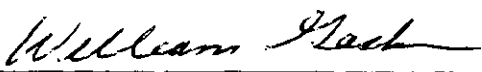
SECTION EIGHTEEN: FARMING: Farming shall not be prohibited in any residential, business or industrial areas herein.

SECTION NINETEEN: INDUSTRIAL: Any legal industry is permitted.

SECTION TWENTY: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 2ND day of AUGUST, 1983.


CLERK


MAYOR

1st Reading 7/5/83
2nd Reading 7-19-83
3rd Reading 8-2-83

Prepared By: David H. McCown
Village Solicitor

VILLAGE OF SOUTH POINT

LAWRENCE COUNTY, OHIO

ORDINANCE NO. 97-5

AN ORDINANCE ENACTING SECTION A OF THE PLANNING AND ZONING CODE OF THE ORDINANCES OF THE VILLAGE OF SOUTH POINT BY ADDING SECTION A, ADULT ENTERTAINMENT FACILITIES

WHEREAS, it has been recommended by the Planning Commission that the planning and zoning code of the Village of South Point, Ohio, be amended by adding Section A, Adult Entertainment Facilities.

NOW, THEREFORE, be it Ordained by the Council of the Village of South Point, Lawrence County, Ohio, that the planning zoning code of the Village of South Point, Ohio is amended to add Section A, Adult Entertainment Facilities, which is as follows:

SECTION A, ADULT ENTERTAINMENT FACILITIES DEFINITIONS

I. A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

- A. ADULT BOOK STORE. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
- B. ADULT MINI MOTION PICTURE THEATER. A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing relating to "specified sexual activities" or "specified sexual activities" or "Specified anatomical areas", of observation by patrons therein.
- C. ADULT MOTION PICTURE THEATER. A facility with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or

"specified anatomical areas", for observation by patrons therein.

- D. ADULT ENTERTAINMENT BUSINESS. Any establishment involved in the sale or services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
- E. SPECIFIED SEXUAL ACTIVITIES.
1. Human genitals in state of sexual stimulation or arousal;
 2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
 3. Fondling or other erotic touching of human genitals, public regions, buttock or female breasts.
- F. SPECIFIED ANATOMICAL AREAS.
1. Less than completely and opaquely covered human genitals public region, buttock, and female breasts below a point immediately above the top of the areola;
 2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

II. ADULT ENTERTAINMENT FACILITIES USE

Adult entertainment facilities are conditionally permitted in the Industrial and Business zoning districts only, and subject to the conditions hereafter set forth.

CONDITIONS

1. No adult entertainment facility shall be established within 500 feet of any area zoned for residential use.

2. No adult entertainment facility shall be established within a radius of 1000 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of 1000 feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established with a radius of 1000 feet of any other adult entertainment facility or within a radius of 2000 feet of any two of the following establishments:
 - a. Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
 - b. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - c. Pawn shops.
 - d. Pool or billiard halls.
 - e. Pinball Palaces, halls or arcades.
 - f. Dance Halls or discotheques.
5. No adult entertainment facility shall be established within a radius of 1000 feet of any church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
6. No advertisements, displays or other promotional materials shall be shown or exhibited as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the

building shall be oriented so as to minimize any possibility of viewing the interior from public or semi public areas.

8. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public or semi-public areas.
9. Divisions (1) through (5) above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of 51% of the property owners and resident freeholders within the above described radii, giving their consent to the establishment of adult entertainment facility, and if the board determines.
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area.
 - c. That the establishment of an additional regulated use in the area will be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area.
 - d. That all applicable regulations of this section will be observed.

III. THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW.

Passed this 21st day of January, 1996.

APPROVED:

William A. Stephens MAYOR
Scott Thomas CLERK

McCOWN & McCOWN
ATTORNEYS
311 PARK AVENUE
IRONTON, OHIO 45638
PHONE (614) 532-8744
FAX (614) 532-8852

6 PASSED 0 VETOED

This instrument was prepared by David H. McCown, Village Attorney.

1st Reading 12/17/96
2nd Reading 1/7/97
3rd Reading 1/21/97

ORDINANCE 09-2

An Ordinance Amending Zoning Ordinance 83-14

Whereas; Zoning Ordinance 83-14 allows for multifamily apartment units to be located in residential zoned areas.

Whereas; Due to numerous complications of so many apartment units being built all over the Village, the South Point Village Council desires to limit the areas multifamily dwelling units can be built to Business and Industrial zoned areas only.

Now, Therefore Be It Ordained: the South Point Village Council hereby amends section Fifteen (15), Sixteen (16) and Nineteen (19) of Ordinance 83-14 as follows:

SECTION FIFTEEN:

RESIDENCE DISTRICT: (A) It is the purpose of this residence district to encourage establishment and the preservation of residential neighborhoods characterized by single family dwellings and appropriate levels of service. Nonresidential uses permitted in this district shall be limited to those uses and buildings that will provide stability and dignity to the area as a residential neighborhood.

(B) **PERMITTED USES:** No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following:

(1) **Religious or Cultural:** Churches, synagogues and other places of worship, Sunday School buildings, schools for academic instructions, public libraries, museums, art galleries and similar cultural uses.

(2) **Public Facilities:** Publicly owned and operated facilities by Municipal, County, State and Federal governments as required to provide service to the residential areas. Such facilities to include parks, playgrounds, recreation and community center buildings, golf courses, swimming pools and similar recreational uses including structures and concessions as are necessary for their operation, administrative buildings and utility stations.

(3) **Agricultural:** Nurseries, greenhouses, and general farming, not including animal or poultry farms and kennels.

(4) **Recreational:** Private, noncommercial recreations areas including country clubs, golf courses and swimming pools.

(5) **Residential:** Single family unit dwellings. No more than one dwelling unit shall be contained within any one building. This limitation shall not apply to condominiums so long as each condominium unit is being purchased by an individual and there is in place condominium rules and regulations governing the upkeep and maintenance of common areas.

(6) **Offices for Physicians, Surgeons, Dentists and other health care professionals** such as Optometrists, Chiropractors and Chiropractors providing there is written consent of sixty percent of the adjacent property owners, or agents, and off-street parking is available to accommodate one space (10 feet by 20 feet) for each 400 feet of floor area.

(7) **Convalescent Homes:** Nursing homes or rest homes for convalescent patients, children's nurseries and similar uses.

(8) **Lodging and Boarding Houses:** Lodging and boarding houses, including incidental accessory service.

ORDINANCE 09-2

(9) Institutional: Hospitals for human care, provided that buildings which are used for the treatment of contagious diseases, the care of epileptics, drug addicts, the feebleminded or insane shall be at least 150 feet distant from any lot in any residential district.

(10) Cultural: Colleges for academic instruction.

SECTION SIXTEEN

BUSINESS DISTRICTS: All permitted uses in the Residence District, and also including the following:

- (1) multiple family dwellings for any number of families or housekeeping units, and
- (2) any legal business not otherwise prohibited by law.

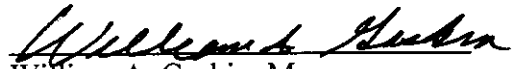
SECTION NINETEEN


INDUSTRIAL: All permitted uses in the Business District, and also including the following:

- (1) any legal industry not otherwise prohibited by law.

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Adopted This 6th Day of Jan., 2009


William A. Gaskin, Mayor

Attest: 
Scott Thomas, Fiscal Officer

1st Reading: Nov. 4, 2008
2nd Reading: Dec. 9, 2008
3rd Reading: Jan. 6, 2009

Amendment prepared by Village Attorney Lambert, McWhorter & Morris, LLC