

**CHAPTER 1175**  
**“NC” Neighborhood Conservation District**

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**1175.01 APPLICATION OF DISTRICT.**

The limits of the “NC” Neighborhood Conservation District shall be those lands designated as neighborhood conservation district pursuant to the provisions of this chapter. This district shall be deemed an overlay on any base zoning district now or hereafter applicable to any lot. Should the “NC” Neighborhood Conservation District be declared inapplicable to any lot by action of the City or any court of competent jurisdiction as provided for in Section 1175.06 herein, the zoning of such lot shall be deemed to be the base district in which it is located without consideration of this chapter. It shall be unlawful for any construction, subdivision or development, or use of land to be undertaken for any property within this district unless all appropriate permits and approvals have been obtained. (Ord. 2014-52. Passed 7-8-14.)

**1175.02 PURPOSE AND OBJECTIVES.**

The purpose of this chapter is to enable owners of properties within the “R-1”; “R-1A”; “R-2”; “R-2A”; “R-3”; and “R-3A” residential zoning districts to petition the Planning and Zoning Commission and City Council to establish district use regulations in their residential neighborhoods in order to restrict rental use of single-family detached dwellings. This chapter establishes restrictions intended to preserve the attractiveness, desirability and privacy of residential neighborhoods by precluding all or certain types of rental properties, thereby precluding the deleterious effect rental properties can have on a neighborhood such as property deterioration, increased density, congestion, and noise and traffic levels leading to the reduction of property values. The goal of this chapter is to allow owners of properties within residential neighborhoods to control the types of rental properties, if any, that are permitted as single-family detached dwellings within their neighborhood. It is also the purpose of this chapter:

- (a) To protect the privacy of residents and to minimize noise, congestion and nuisance impacts by regulating types of rental properties.
- (b) To maintain an attractive community appearance and to provide a desirable living environment for residents by preserving the owner-occupies character of the neighborhood; and
- (c) To prevent excessive traffic and parking problems in the neighborhoods.  
(Ord. 2014-52. Passed 7-8-14.)

#### 1175.03 USES PERMITTED.

Uses permitted in the "NC" Neighborhood Conservation District shall be those uses permitted in the underlying base zoning district except the use or occupancy of single-family detached dwelling units requiring registration under Chapter 1197 of the Codified Ordinances of the City of Steubenville. (Ord. 2014-52. Passed 7-8-14.)

#### 1175.04 PROCEDURES.

The following procedures must be followed in order to establish a "NC" Neighborhood Conservation District:

- (a) A petition requesting establishment of a neighborhood conservation district must be submitted to the Planning and Zoning Commission on forms provided by the Commission. The petition requirements are as follows:
  - (1) At least two (2) days prior to circulating a petition, the circulator(s) of the petition must distribute a neighborhood conservation district information sheet, provided by the Planning and Zoning Commission, to each property owner of record within the area to be petitioned.
  - (2) The petition must clearly identify and describe the specific boundaries where the neighborhood conservation district is to be located and if practicable, such boundaries must consist of easily identifiable features such as streets, alleys, platted subdivision boundaries or existing zoning district lines.
  - (3) Each petition must be circulated by a person who owns property within the proposed district and must be signed by the circulator.
  - (4) The petition must contain the signatures and addresses of two-thirds of the parcel owners within the proposed boundary of the district, exclusive of public property. Jointly-owned parcels will be considered owned by a single person for the purpose of petitioning, and any co-owner may sign a petition for such parcel. Only one owner of each parcel will count towards the two-thirds requirement. If a person owns more than one parcel of property within the proposed district, he or she may sign the petition for each property he or she owns.
  - (5) Each person signing the petition must also enter, on the petition, adjacent to their signature, the date that the person signed the petition.
  - (6) The petition must accurately advise the signer of what restrictions would be imposed on the property if the district is established. The circulator(s) of the petition shall verify on the petition that the required information sheet was distributed to each owner of record at least two (2) days prior to circulation of the petition and those signing the petition must acknowledge that they received the required information sheet at least two (2) days prior to signing the petition by marking the appropriate box next to their signature.

- (7) There must be more than ten (10) separate lots or parcels within the proposed district as described in the petition, clearly bounded in a geographically logical way. In no instance shall the proposed district create an island surrounded by the proposed district.
- (8) When submitted, no signature dated earlier than six (6) months prior to the time the petition is filed with the Planning and Zoning Commission shall be counted to determine the validity of the petition.

(b) Upon presentation to the Planning and Zoning Commission for review, the Zoning Administrator shall verify the signatures on the petitions. If insufficient signatures are presented, the Zoning Administrator shall return the petitions to the person filing the petitions and identify the invalid signatures. If sufficient valid signatures are presented, the Zoning Administrator shall then, within thirty (30) days, determine whether they are in conformity with the remaining provisions of this section.

- (1) If the petition is determined to be in conformity with the requirements of this section, it shall be placed on the agenda for discussion at the earliest possible Planning and Zoning Commission meeting date, and the procedures in accordance with the requirements for zoning map amendments in Section 1191.03 shall be followed, without consideration of Section 1191.03(e).
- (2) The following guidelines shall be used by the Planning and Zoning Commission when considering a proposed neighborhood conservation district instead of those in Section 1191.03(e).
  - A. The proposed district complies with boundary criteria;
  - B. The proposed district will preserve and enhance neighborhood character;
  - C. The proposed district will promote the public health, safety, and general welfare of the people of the district;
  - D. The proposed district will promote and implement the intent of the Comprehensive Plan; and
  - E. The proposed district will satisfy a legitimate need.
- (3) If the petition is not in conformity with the requirements of this section, the Zoning Administrator shall reject the petition and return it to the person filing the petition with a written explanation as to why the petition does not comply with the requirements of this section.
- (4) If the petition is rejected for failure to comply with boundary requirements, it may be resubmitted with the proper boundary lines if it is accompanied by certification that a copy of the petition and written notice was mailed to each property owner affected by the change, notifying them that their property was added to or deleted from the petition and if by correction of the boundary line the petition still complies with other requirements of this chapter.
- (5) If the petition is rejected for an insufficient number of valid signatures, it may be resubmitted with additional signatures necessary to have it comply as long as the other signatures remain valid.

- (6) Any resubmission after a petition has been rejected must be filed within ninety (90) days of rejection. Failure to comply this deadline shall constitute final petition rejection and denial.
- (7) After public hearing and recommendation by the Planning and Zoning Commission, and prior to a final decision by City Council, Council may by ordinance amendment make changes to the boundaries of a proposed district, whether or not the two-thirds majority requirement of property owners would still be met with the proposed changes.

(c) Subsequent to the introduction of an ordinance by City Council proposing to establish a neighborhood conservation district, the circulator(s) of the petition or a majority of those persons who signed the petition may file a written request with City Council to table consideration or further proceedings toward adoption of the ordinance for sixty (60) days in order to allow the submission of an alternate petition for a different boundary for the district. If an alternate petition is submitted during the sixty (60) day period, City Council may introduce an alternate ordinance in conformity with the subsequent petition, and the ordinance shall, to the extent possible, be processed simultaneously. The Planning and Zoning Commission shall include in its recommendation to City Council which ordinance it concludes, after public hearing, has the majority of the support of the property owners in the proposed district and complies with the criteria in this Section 1175.04(b)(2).

(d) After adoption by City Council, a petition to change the boundaries of a neighborhood conservation district or abolish a district pursuant to Section 1175.06 of this chapter will not be considered for one (1) year, following the same procedures used for establishing the initial district.  
(Ord. 2014-52. Passed 7-8-14.)

#### 1175.05 EFFECT OF DISTRICT.

Upon the effective date of an ordinance passed by City Council establishing a neighborhood conservation district, no new rental registration for single-family detached dwellings under Chapter 1197 shall be permitted. Any single-family rental property that registered prior to the effective date of the ordinance and maintains such registration current shall be allowed to continue use or occupancy of such single-family detached dwelling unit as rental property in accordance with the laws existing prior to the effective date of the ordinance establishing the district. No existing registered rental single-family detached dwelling unit in a district shall be considered to be a nonconforming use as a result of adoption of an ordinance creating the district. In the event an owner of rental property, either intentionally or unintentionally, allows a rental registration to expire and more than one (1) year passes without renewal of the rental registration, any subsequent use of the property must comply with the restrictions imposed by the district. It shall be the sole responsibility of the property owner to know the status of registration and to renew such registration prior to expiration. (Ord. 2014-52. Passed 7-8-14.)

**1175.06 AMENDMENTS TO AN EXISTING DISTRICT.**

(a) Adding Parcels to an Existing District. Properties that are adjacent to an existing neighborhood conservation district may be added to the district, and those property owners may file a petition and follow the procedures as described in Section 1175.04 of this chapter. Those petitioned parcels must conform to the boundary criteria in Section 1175.04(a)(7). The number of signatures required is based upon the total number of parcels, including the existing district.

(b) Removing Parcels from an Existing District. Any property owner within an existing neighborhood conservation district may petition to be removed from the district by following the procedures described in Section 1175.04 of this chapter. The number of signatures required is based on the total number of parcels, including the existing district. The remaining parcels must conform to the boundary criteria in Section 1175.04(a)(7).

(c) Abolishing an Existing District. Property owners may file a petition to abolish an existing neighborhood conservation district by following the same procedures for establishing a district described in Section 1175.04 of this chapter. (Ord. 2014-52. Passed 7-8-14.)

**1175.07 EXCEPTIONS FOR TEMPORARY RENTAL UNITS.**

A property owner within an existing neighborhood conservation district may register and temporarily rent a single-family detached dwelling for a period of time not exceeding twenty-four (24) consecutive months under the following conditions:

- (a) The property is actively being offered for sale to the public by the owner or by an authorized agent of the owner during the twenty-four (24) month term.
- (b) The property is listed with a licensed State of Ohio realtor provided the owner submits proof to the Zoning Administrator of such listing and for sale status.
- (c) The property complies with all Property Maintenance Code requirements.
- (d) Registration shall terminate immediately upon the closing of a sale of the property to a purchaser or at the expiration of twenty-four (24) months from the date of registration, whichever event first occurs. (Ord. 2014-52. Passed 7-8-14.)

**1175.08 FEES.**

There shall be no fee for petitions for neighborhood conservation districts; however the person filing a petition must provide the Clerk of Council with an advance deposit of five hundred dollars (\$500.00) to be used to cover the cost of advertising the public hearing and providing a stenographic record of the hearing. Upon receipt of the advance deposit, the Clerk of Council shall deposit the fee with the Director of Finance who shall establish a special fund with which to hold such fees until the cost of advertising and stenographer for the petition can be determined. All expenses incurred from advertising the petition by the City shall be paid from such special fund. Upon payment in full of expenses incurred, any monies remaining from the deposit shall be returned to the depositor by the Director of Finance. In the event that the amount of the deposit is insufficient to cover all expenses incurred by the City, then, prior to final action by Council, the Clerk of Council shall advise the depositor of the total amount needed for such additional costs and no action shall be taken by Council until the full amount of costs have been paid. (Ord. 2014-52. Passed 7-8-14.)

**1175.09 APPEALS.**

Any property owner directly affected by a decision of the Zoning Administrator regarding this chapter shall be permitted to file an appeal in writing to the Board of Zoning Appeals by following the procedures in Chapter 1189 of this Zoning Code.  
(Ord. 2014-52. Passed 7-8-14.)

**1175.10 DISTRICTS CREATED.**

The following Neighborhood Conservation Districts have been created by petition of residents and approval of City Council:

- (a) Alexander Manor Neighborhood Conservation District consisting of the Alexander Manor neighborhood in its entirety, including all those properties on Alexander Manor East and Alexander Manor West. The properties included are more particularly described as follows:

<u>Parcel Address</u>	<u>Parcel Identification No.</u>
2300 Alexander Mnr. W.	0706994000
2301 Alexander Mnr. W.	0707530000
2305 Alexander Mnr. W.	0708396000
2306 Alexander Mnr. W.	0708019000
2311 Alexander Mnr. W.	0708175000
2390 Alexander Mnr. W.	0708842000
2394 Alexander Mnr. W.	0708641000
2396 Alexander Mnr. W.	0707143000
2400 Alexander Mnr. W.	0708075000
2403 Alexander Mnr. W.	0708742000
2406 Alexander Mnr. W.	0708019000
2407 Alexander Mnr. W.	0709507000
2408 Alexander Mnr. W.	0708342000
2410 Alexander Mnr. W.	0708860000
2411 Alexander Mnr. W.	0706663000
2415 Alexander Mnr. W.	0706662000
2416 Alexander Mnr. W.	0708219000
2410 Alexander Mnr. W.	0708679000
2420 Alexander Mnr. W.	0708320000
2423 Alexander Mnr. W.	0709395000
2424 Alexander Mnr. W.	0709207000
2428 Alexander Mnr. W.	0709466000

2429 Alexander Mnr. W.	0707605000
2431 Alexander Mnr. W.	0708227000
2432 Alexander Mnr. W.	0707731000
2435 Alexander Mnr. W.	0709489000
2436 Alexander Mnr. W.	0707850000
2440 Alexander Mnr. W.	0709565000
2443 Alexander Mnr. W.	0708438000
Alexander Mnr. W.	0708439000
2444 Alexander Mnr. W.	0709537000
2445 Alexander Mnr. W.	0707055000
2448 Alexander Mnr. W.	0710495000
2451 Alexander Mnr. W.	0708217000
2452 Alexander Mnr. W.	0706894000
2454 Alexander Mnr. W.	0709098000
2455 Alexander Mnr. W.	0706661000
2457 Alexander Mnr. W.	0709686000
2461 Alexander Mnr. W.	0709070000
2467 Alexander Mnr. W.	0708034000
2301 Alexander Mnr. E.	0708002000
2307 Alexander Mnr. E.	0707660000
2310 Alexander Mnr. E.	0709096000
2311 Alexander Mnr. E.	0707625000
2312 Alexander Mnr. E.	0707320000
2315 Alexander Mnr. E.	0708789000
2316 Alexander Mnr. E.	0707903000
2320 Alexander Mnr. E.	0708937000
2324 Alexander Mnr. E.	0708965000
2328 Alexander Mnr. E.	0708660000
2400 Alexander Mnr. E.	0708680000

2401 Alexander Mnr. E.	0707564000
2404 Alexander Mnr. E.	0708480000
2407 Alexander Mnr. E.	0708887000
2408 Alexander Mnr. E.	0707606000
2411 Alexander Mnr. E.	0709094000
2412 Alexander Mnr. E.	0707173000
2415 Alexander Mnr. E.	0708713000
2416 Alexander Mnr. E.	0707412000
2419 Alexander Mnr. E.	0708837000
2420 Alexander Mnr. E.	0707505000
2423 Alexander Mnr. E.	0708029000
2424 Alexander Mnr. E.	0707800000
2427 Alexander Mnr. E.	0707370000
2428 Alexander Mnr. E.	0709114000
2431 Alexander Mnr. E.	0709195000
2432 Alexander Mnr. E.	0708955000
2435 Alexander Mnr. E.	0708035000
2436 Alexander Mnr. E.	0707990000
2440 Alexander Mnr. E.	0707563000
2441 Alexander Mnr. E.	0708820000
2443 Alexander Mnr. E.	0707357000
2444 Alexander Mnr. E.	0708225000
2447 Alexander Mnr. E.	0709554000
2448 Alexander Mnr. E.	0708545000
2451 Alexander Mnr. E.	0708683000
2454 Alexander Mnr. E.	0707678000
2455 Alexander Mnr. E.	0707335000
2458 Alexander Mnr. E.	0706750000
2459 Alexander Mnr. E.	0708186000



2462 Alexander Mnr. E.	0709204000
2463 Alexander Mnr. E.	0709284000
Alexander Mnr.	0706679000
Alexander Mnr.	0706679002
Alexander Mnr.	0706679003
Alexander Mnr.	0715041000
Alexander Mnr.	0708513000
Alexander Mnr.	0708514000
Alexander Mnr.	0711522000

(Ord. 2014-127. Passed 12-9-14.)

**1175.99 PENALTY.**

Violations of this chapter shall be subject to the penalties under Chapter 1193, Section 1193.09 of this Zoning Code. (Ord. 2014-52. Passed 7-8-14.)

