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CHAPTER 1141

Districts and Boundaries

- 1141.01 Division of City into districts.
- 1141.02 Districts and boundaries established.
- 1141.03 District boundaries.
- 1141.04 Lot divided by districts.
- 1141.05 Interpretation of uncertain boundaries.
- 1141.06 Vacated streets or alleys.
- 1141.07 Annexations.

CROSS REFERENCES

- Zoning of annexed areas - see Ohio R. C. 303.25, 519.18
- Basis of districts - see Ohio R. C. 713.10
- Exceptions and modifications - see Ohio P. & Z. Ch. 1180
- Planned unit developments - see P. & Z. Ch. 1191
- Nonconforming uses - see P. & Z. Ch. 1198

1141.01 DIVISION OF CITY INTO DISTRICTS.

For the purpose of the Zoning Ordinance, the City is hereby divided into eighteen categories of Zoning Districts as follows:

- (a) Agricultural - Residential Districts.
 - (1) A-1 Agricultural and Estate District.
 - (2) R-0 One-Family Residence District.
 - (3) R-1 One-Family Residence District.
 - (4) R-2 One to Four Family Residence District.
 - (5) R-3 Multi-Family Residence District.
 - (6) R-4 Low Density Multi-Family Residence District.
- (b) Non-Residential Districts.
 - (1) B-1 Institutions and Office District.
 - (2) C-4 Commercial Transition District.
 - (3) C-1 Neighborhood Business District.
 - (4) C-2 Central Business District.
 - (5) C-2A Central Business District - Modified.
 - (6) C-2B Central Business District - Modified.
 - (7) C-3 General Business District.
 - (8) C-3A General Business District - Modified.
 - (9) M-1 Industrial Park District.
 - (10) M-1A Industrial Park District - Modified.
 - (11) M-2 General Industrial District.
 - (12) M-2A General Industrial District - Modified.

(Ord. 94-84. Passed 7-9-84.)

1141.02 DISTRICTS AND BOUNDARIES ESTABLISHED.

The several districts and boundaries thereof are hereby adopted and established as shown on the City Zoning Map, which map, together with all notations, references, data, district boundaries and other information shown thereon shall be and are hereby made a part of the Zoning Ordinance. The Zoning Map, properly attested, shall be and remain on file in the office of the Planning Director.

(Ord. 94-84. Passed 7-9-84.)

1141.03 DISTRICT BOUNDARIES.

Except where referenced on the Zoning Map to street or alley lines or other designated lines by dimensions shown on the Zoning Map, the district boundary lines follow lot lines or the centerlines of streets or alleys as they existed at the time of the adoption of the Zoning Ordinance; but where a district line obviously does not coincide with the lot lines or such centerlines or where it is not designated by dimensions, it shall be determined by scaling. (Ord. 94-84. Passed 7-9-84.)

1141.04 LOT DIVIDED BY DISTRICTS.

Where a district boundary line established in this chapter or as shown on the Zoning Map divides a lot which was in single ownership at the time of enactment of the Zoning Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under the Zoning Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty-five feet of such dividing district boundary line. The use so extended shall be deemed to be conforming.

(Ord. 94-84. Passed 7-9-84.)

1141.05 INTERPRETATION OF UNCERTAIN BOUNDARIES.

All questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals according to rules and regulations which may be adopted by it. (Ord. 94-84. Passed 7-9-84.)

1141.06 VACATED STREETS OR ALLEYS.

Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right of way thus vacated, which shall henceforth be subject to all regulations of the extended district or districts. (Ord. 94-84. Passed 7-9-84.)

1141.07 ANNEXATIONS.

In every case where property has not been specifically included within a district, the same is hereby declared to be in the A-1 District. Township zoning regulations in effect for territory annexed to or consolidated with the City subsequent to the effective date of the Zoning Ordinance shall, upon the effective date of such annexation or consolidation, remain in force and effect for a period not to exceed nine months. The Planning Commission shall recommend to City Council, within a period of not to exceed six months from such date of annexation or consolidation, a zoning districting plan of such property in accordance with the provisions of Chapter 1139. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1143

Effects of Districting; General Regulations

- 1143.01 Conformance required.
- 1143.02 Additional uses.
- 1143.03 Additional prohibited uses.
- 1143.04 Airports.
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- 1143.06 Accessory uses in A or R Districts and on property used for residential purposes in any other zoning district.
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- 1143.08 Traffic and pedestrian visibility.
- 1143.09 Parking of trucks.
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- 1143.12 Street frontage.
- 1143.13 Required area or space cannot be reduced.
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- 1143.16 Essential services.
- 1143.17 Unsafe buildings.
- 1143.18 Pending applications for building permits.
- 1143.19 Inoperative and/or unlicensed motor vehicles and trailers.
- 1143.20 Sale of motor vehicles, boats, recreational vehicles, and trailers.
- 1143.21 Composting in agricultural and residential districts.
- 1143.22 Dumpster enclosure provisions.
- 1143.23 Tent requirements and restrictions.

- 1143.24 Removal of graffiti.
- 1143.25 Parking of recreational vehicles in A or R Zoning Districts and on all other property used for residential purposes in any other zoning district.
- 1143.26 Portable storage units within A or R Zoning Districts and on all other property used for residential purposes in any other zoning district or Planned Unit Development.
- 1143.261 Portable storage containers within the C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST and C-4 Zoning Districts and on all other property used for non-residential purposes in any Planned Unit Development.
- 1143.27 Dumpsters located within A or R Districts and on all other property used for residential purposes in any other zoning district or Planned Unit Development.
- 1143.28 Solar energy equipment.
- 1143.29 Site landscaping.
- 1143.30 Security bars.
- 1143.31 Rain barrels within A or R zoning districts and on all other property used for residential purposes in any other zoning district or Planned Unit Development.

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10

Special zoning regulations - see P. & Z. Title Seven

1143.01 CONFORMANCE REQUIRED.

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located; such regulations including, but without limitation, the following; the use of buildings, structures or land, including performance standards for the control of any dangerous and objectionable elements, as defined herein, in connection with such use; the height, size or dimensions of buildings or structures; the size or dimensions of lots, yards, and other open spaces surrounding buildings; the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

(Ord. 94-84. Passed 7-9-84.)

1143.02 ADDITIONAL USES.

Uses other than those specifically mentioned in the Zoning Ordinance as permitted uses in each of the districts may also be allowed therein, except for uses prohibited therein or which are first permitted in a less restrictive district and provided that, in the judgement of the Board as evidenced by resolution of record, such other uses are of similar character to those mentioned and shall have no adverse influence or no more adverse influence on adjacent properties, the neighborhood or the community than the permitted uses specifically mentioned for the district.

(Ord. 94-84. Passed 7-9-84.)

1143.03 ADDITIONAL PROHIBITED USES.

Uses other than those specifically prohibited in the Zoning Ordinance in any district shall also be prohibited therefrom, provided that if, in the judgement of the Board of Zoning Appeals, as evidenced by resolution of record, such other uses are similar in character to those specifically prohibited in that they would have a similar or more serious adverse influence on adjacent properties, the neighborhood or the community than the uses specifically mentioned as prohibited in the district.

(Ord. 94-84. Passed 7-9-84.)

1143.04 AIRPORTS.

Airports, airfields or heliports may be built within City limits only with permission of the Planning Commission and Council.

(Ord. 94-84. Passed 7-9-84.)

1143.05 REAR DWELLINGS IN A OR R DISTRICTS.

In any A or R District, no building in the rear of a principal building on the same lot shall be used for residential purposes.

(Ord. 94-84. Passed 7-9-84.)

1143.06 ACCESSORY USES IN A OR R DISTRICTS AND ON PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT.

(a) Buildings and Parking Space. In any A or R District, and all property used for residential purposes in any other zoning district, accessory buildings or structures may be erected, detached from the principal building or may be erected as an integral part of the principal building, or may be connected therewith by a breezeway or similar structure. Except as provided in Section 1180.03, no accessory building shall be erected in any required yard or court, except a rear yard, and shall not occupy more area than thirty-five percent (35%) of the required rear yard. The exterior wall surface of an accessory building or structure, if greater than 100 square feet, shall not be made of metal, resin, plastic or non-finished composite material and accessory buildings or structures shall not exceed 500 square feet except on parcels zoned A-1 which are two acres or more in size. Metal roofs are not permitted for accessory structures except metal panel roofs which are factory-finished with a rib or standing seam design without exposed fasteners and warranted against rust shall be permitted on accessory structures except carports. It is preferred that metal roof panels match some color of the principal building or be an Earth tone color. Accessory buildings and structures shall be distant at least six feet from any dwelling situated on the same lot, unless erected as an integral part thereof, and at least six feet from all lot lines or adjoining lots which are within any A or R District or are used for residential purposes. An accessory paved parking space may be located in any yard except a front yard. The accessory use area of a building or structure which is constructed both contemporaneously with and as an integral part of the original principal residence shall not be included in the calculation of allowable accessory building or structure area under this subsection.

(b) Corner Lots. In any A or R District, where a corner lot adjoins in the rear a lot fronting on the side street, no part of an accessory building or structure on such corner shall be near a side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot.

(c) Front Setback. No accessory use or structure in any A or R District, except an off- street parking area subject to the provisions of Chapter 1183, shall be permitted nearer to any front lot line than sixty feet, unless such use or structure is contained within, or connected by breezeway or similar structure to, the principal structure.

(d) Yard Requirements. Except as provided in Section 1180.03, an accessory building or structure, if not located in the rear yard, shall be erected as an integral part of, or connected by a breezeway or similar structure with, the principal building to which it is accessory, and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as such accessory building or structure.

(e) Without Main Buildings. In any A or R District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building.

(f) Paved Ingress and Egress. An accessory building or structure which has a door opening(s) greater than six feet in width must have paved access in accordance with subsection 1183.05 (c).

(g) Height of Accessory Building. In no case shall the height of an accessory building or structure exceed the height of the principal structure that occupies the same lot or parcel except on parcels zoned A-1 which are two acres or greater in size.

(Ord. 94-16. Passed 10-24-16.)

1143.07 SIDE YARD.

(a) There shall be a side yard on each side of all buildings in the A and R Districts as specified in each of such districts. The side yard on the street side of a corner lot which lot adjoins in the rear a lot fronting on the side street and located in any A or R District shall be the front yard setback required for a dwelling on such adjoining lot.

(b) In the B-1 and C Districts a nonrequired side yard, if provided, shall be at least six feet wide.

(Ord. 94-84. Passed 7-9-84.)

1143.08 TRAFFIC AND PEDESTRIAN VISIBILITY.

On any lot, no fence, structure or planting shall be erected or maintained which interferes with reasonable sight distance for pedestrians or motor vehicle operators along sidewalks and/or streets and on private property and for vehicular ingress and egress to and from adjoining property. (Ord. 98-10. Passed 11-8-10.)

1143.09 PARKING OF TRUCKS.

No truck or other commercial vehicle of a rated weight of more than three-quarter ton shall be parked on any street or any residential premises in any A or R District for any consecutive period of four hours or more; provided that nothing herein shall prevent the parking of such vehicle in a fully enclosed garage or similar permanent structure. (Ord. 94-84. Passed 7-9-84.)

1143.10 SCREENING AND BUFFERING.

(a) Where Required. Screen(s) and buffer(s) shall be provided along the common property line separating all A and Residential (R) Districts from Institutional (B), Commercial (C) and Industrial (M) zoning districts as well as between residential zoning districts in accordance with the requirements of the Zoning Ordinance.

(b) Responsibility. Provisions for such buffer areas and construction of required screens shall be the responsibility of the property owner or developer introducing the new use as defined by the requirements for screening and buffering found within the individual zoning district (i.e., A-1, R-0, R-1, R-2, etc.). These screening and buffering requirements are to be utilized for reference in evaluating P.U.D. plans and preliminary/final development plans as provided for in Chapter 1191.

(c) Construction. All screens required or provided shall be constructed of any combination of natural and man-made elements to comply with the height and material requirements of the Zoning Ordinance. All vertical screening elements between incompatible land uses as described below and required within the various zoning districts of the Zoning Ordinance shall be a minimum height of six feet. Natural screens made of vegetation having a mature height greater than six feet may be required in cases where the difference in topography and/or intensity of the two uses being screened merits such action.

(d) Buffer Areas. All buffer areas shall be unobstructed from ground to sky, except for required screens and natural plantings, and planted in grass or other natural ground cover upon which no activity, use or structure shall be placed. Screening and buffering will extend along the common property line forward to the building line of the adjoining use except when the new use conducts primary and/or accessory activities excluding driveways of two lanes or less forward of the primary building of the adjoining use. In that situation, the screening and buffering shall be extended to provide screening and buffering between such primary and/or accessory activity and the adjoining property. The height of such screen may be adjusted to prevent limits to visibility that may affect safety.

(e) Screening Materials. For the purpose of screening incompatible land uses, the property owner may utilize any combination of the following: masonry wall, chain link fence with slats, opaque wooden fences, earthen mounds, natural vegetation hedges and plantings, open space or any other material approved by the Technical Review Committee. Plantings must utilize a mix of coniferous and deciduous type plantings so as to provide a minimum of sixty percent (60%) winter opacity and an eighty percent (80%) summer opacity within five years after installation. The Zoning Inspector shall have authority to determine whether such plantings will provide the appropriate levels of opacity within five years recognizing the growth of natural vegetation. Screens other than plantings must provide a minimum of eighty percent (80%) opacity at all times.

(f) Maintenance and/or Replacement. All buffers and screens shall be maintained in a condition reasonably representing the original condition, recognizing growth of natural vegetation, and shall be replaced as necessary. The property owner shall be responsible for such maintenance and/or replacement of buffer areas and screens, including but not limited to, appropriate trimming of natural vegetation, painting and general repair. (Ord. 94-84. Passed 7-9-84.)

1143.11 PERFORMANCE STANDARDS.

Even though compliance with Chapter 1181 may not be expressly required for a particular use, initial and continued compliance with performance standards is required of every use. (Ord. 94-84. Passed 7-9-84.)

1143.12 STREET FRONTAGE.

Except as permitted by other provisions of the Zoning Ordinance, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least forty feet on a street. There shall not be more than one single-family dwelling for

such frontage. (Ord. 94-84. Passed 7-9-84.)

1143.13 REQUIRED AREA OR SPACE CANNOT BE REDUCED.

No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by the Zoning Ordinance. No part of a yard, court, parking area or other space provided about, or for any building or structure for the purpose of complying with the provisions of the Zoning Ordinance shall be included as part of a yard, court, parking area or other space required under the Zoning Ordinance for another building or structure. (Ord. 94-84. Passed 7-9-84.)

1143.14 OFF-STREET PARKING AND LOADING.

In every district, spaces for off-street parking and for off-street loading and unloading shall be provided in accordance with the provisions of Chapter 1183.

(Ord. 94-84. Passed 7-9-84.)

1143.15 ENCROACHING DOORS.

Every garage building or portion of a main building used for garage purposes shall be so equipped that the doors when open or being opened shall not project beyond any lot line of the lot on which such building is located. When such doors open to an alley, the wall or portion thereof containing the doors shall be at least six feet from the line forming the common boundary between such lot and the alley.

(Ord. 94-84. Passed 7-9-84.)

1143.16 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of the Zoning Ordinance.

(Ord. 94-84. Passed 7-9-84.)

1143.17 UNSAFE BUILDINGS.

Nothing in the Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority. (Ord. 94-84. Passed 7-9-84.)

1143.18 PENDING APPLICATIONS FOR BUILDING PERMITS.

Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been granted before the enactment of the Zoning Ordinance, the construction of which shall have been completed within twelve months after the effective date of the Zoning Ordinance.

(Ord. 94-84. Passed 7-9-84.)

1143.19 INOPERATIVE AND/OR UNLICENSED MOTOR VEHICLES AND TRAILERS.

No person, firm or corporation owning or occupying a lot or land within the Municipality shall place, cause to be placed or allow to remain an inoperative and/or unlicensed motor vehicle or trailer on such premises for a period exceeding seventy-two hours, except where such use is specifically authorized for the district in which such motor vehicle or trailer is located.

(Ord. 154-92. Passed 12-14-92.)

1143.20 SALE OF MOTOR VEHICLES, BOATS, RECREATIONAL VEHICLES AND TRAILERS.

No person, firm or corporation shall display for sale a motor vehicle, boat, recreational vehicle or trailer except that such provision shall not apply in the following specific instances:

- (a) No more than one motor vehicle, boat, recreational vehicle or trailer at a time may be displayed for sale on a lot or parcel and no more than a total of four such motor vehicles, boats, recreational vehicles or trailers may be displayed for sale on any lot or parcel during any consecutive twelve month period, provided that any such motor vehicle, boat, recreational vehicle or trailer which is displayed for sale under this subsection (a) must be titled in the name of an occupant of the property and provided further that any boat on a trailer may be displayed for sale together and shall be considered one unit under this subsection (a).
- (b) Such motor vehicles, boats, recreational vehicles or trailers are displayed by duly and proper licensed dealers and such display occurs in areas properly zoned to conduct such a business.
- (c) For the purposes of subsection (a) above, "motor vehicle" does not include any truck or bus which has a gross vehicle weight in excess of 11,000 pounds or machinery or equipment.

(Ord. 154-92. Passed 12-14-92.)

1143.21 COMPOSTING ON AGRICULTURAL AND RESIDENTIAL DISTRICTS.

In any agricultural or residential district, composting facilities serving only the occupants of that particular lot may be constructed and used by said occupants. The only yard waste which may be placed in a compost facility is that which is generated from the lot on which the compost facility is located. The compost facility shall be constructed as a bin or a structure and must be located in the rear yard and be a minimum of six feet from any adjacent lot lines. Additionally, no composting facility shall be permitted or maintained which is offensive due to disproportionate size or due to the emission of odor. Compost within the facility must be periodically "turned" to aerate the mass and mix the material for better decomposition. (Ord. 29-94. Passed 3-14-94.)

1143.22 DUMPSTER ENCLOSURE PROVISIONS.

As stated in Section 717.05(b)(3) of these Codified Ordinances.

(Ord. 28-94. Passed 3-14-94.)

1143.23 TENT REQUIREMENTS AND RESTRICTIONS.

Tents are to be used for special events or to promote the sale of various goods or services and are not to be used in place of a permanent structure. The erection of a tent is permitted only after a permit has been secured from the building superintendent or his/her designee, and the appropriate fees paid. As a requirement for issuance of the permit, the applicant must present a certificate that the tent meets the applicable flame retardency requirements as required in the Fire Code. Applications for tent permits shall only be permitted for a maximum of two periods in a calendar year not to exceed thirty days each. A minimum of thirty days between each thirty day permit period is required. An application for a tent permit shall be granted by lot or parcel under this section, not by individual business, except that if a business occupies contiguous lots or parcels, those lots or parcels shall be considered as one lot or parcel for purposes of this section. (Ord. 154-96. Passed 10-15-96.)

1143.24 REMOVAL OF GRAFFITI.

The owners and/or occupants of all property shall maintain the exterior of all structures and premises free from graffiti when such graffiti is visible from any point off the property. Owners and/or occupants on whose property graffiti is displayed shall completely remove the graffiti without leaving the surface color in a spotted or mismatched condition or shall completely and uniformly cover the graffiti with appropriate paints or finish within ten days after being ordered to do so by the Zoning Inspector. If the owner, lessee, agent or tenant having charge of or responsibility for maintenance of the building or land fails to comply with the notice, the City Manager shall thereupon cause the graffiti to be removed, and for such purpose may employ the necessary labor to carry out the provisions of this section. All expenses of labor and costs incurred shall, when approved by the City Manager, be paid out of Municipal Funds not otherwise appropriated. Costs incurred by the Municipality for removing such graffiti shall be entered upon the tax duplicate and shall be a lien upon such lands and property. (Ord. 30-00. Passed 3-13-00.)

1143.25 PARKING OF RECREATIONAL VEHICLES IN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT.

(a) For purposes of this section, "recreational vehicles" includes trailers, non-commercial trailers, motor homes, truck campers and recreational vehicles as defined in Ohio Revised Code Section 4501.01 and watercrafts, personal watercrafts and vessels as defined in Ohio Revised Code Section 1547.01.

(b) All parking of recreational vehicles in A or R Zoning Districts and on property used for residential purposes in any other zoning district shall be subject to the following requirements:

- (1) No part or extension of a recreational vehicle shall be parked or extend nearer than two (2) feet from a public right-of-way or other property line, whether or not such part or extension of the recreational vehicle actually touches the ground or a surface on the ground.
- (2) All recreational vehicles shall be parked on a completely paved surface in accordance with Section 1183.05(c), which paved surface shall cover completely all areas beneath any part of the recreational vehicle, excluding the area beneath any pull-out or other extension while extended and which is retracted when the recreational vehicle is used on the public roadways. Canoes of any length and rowboats ten feet (10') or less in length which are stored in a rear yard or on a corner lot in the side or rear yard away from the street are excluded from this subsection.
- (3) All recreational vehicles shall be maintained in a clean and sanitary condition, in good structural and mechanical repair and fully operational for their intended use with all current licenses and registrations required for their operation and use upon public roadways and/or waterways as applicable.
- (4) All watercrafts, personal watercrafts and vessels, except canoes of any length and rowboats ten feet (10') or less in length, must be parked on a trailer which is suitable and licensed for use upon the public roadways.
- (5) No recreational vehicle shall be occupied as a permanent or temporary residence and shall have no permanent electric, water or gas connections and no connections of any kind to a public or private sanitary sewer system.
- (6) No personal property of any kind or description, except wheel blocks and jack stands, may be placed or stored on the ground or surface under any part of a recreational vehicle, including pull-outs. Grass or vegetation, if any, under a recreational vehicle, including pull-outs, shall be cut and maintained at the same height as the other parts of the abutting grass or vegetation.

(c) This section shall not apply to any recreational vehicle which is located within a completely enclosed permanent structure. (Ord. 180-04. Passed 12-13-04.)

1143.26 PORTABLE STORAGE UNITS WITHIN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(a) For the purposes of this section, "portable storage unit" means any enclosed unit made of metal or other durable construction material designed for permanent or temporary storage of personal property which is designed to be transported by vehicle and is left on site in an A or R Zoning District or on any other property used for residential purposes in any other zoning district or planned unit development.

(b) Portable storage units are permitted as a temporary use for a period not to exceed thirty days within any one year period.

(c) Portable storage units must be located on a paved surface and outside the City right-of-way.

(d) If the portable storage unit is being used to store personal property as a result of a major calamity at the residence (i.e. fire, flood or other event where there is significant property damage), the Building Inspector may extend the time period to a maximum of ninety days total within a one year period.

(e) Portable storage units may not exceed a size of 1200 cubic feet on the interior. All portable storage units in excess of 1200 feet are prohibited in residential areas as defined in subsection (a) above. (Ord. 114-19. Passed 12-2-19.)

1143.261 PORTABLE STORAGE CONTAINERS WITHIN THE C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST AND C-4 ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR NON-RESIDENTIAL PURPOSES IN ANY PLANNED UNIT DEVELOPMENT.

(a) For the purposes of this section, "portable storage container" means any enclosed container made of metal or other durable construction material designed for storage of property which is designed to be transported by motor vehicle and is left on site. The definition of portable storage container includes, but not limited to, shipping containers, cargo containers and semi-truck trailers.

(b) Portable storage containers may be used within the C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST, and C-4 Zoning Districts and on all other property used for non-residential purposes in any Planned Unit Development as an accessory use.

(c) Portable storage containers shall be subject to the following requirements:

- (1) Portable storage containers shall not exceed forty (40) feet in length, ten (10) feet in width or ten (10) feet in height.
- (2) Vertical stacking of portable storage containers or stacking of other materials or merchandise on top of any portable storage container is prohibited.
- (3) Portable storage containers shall not be placed on a public street, road, alley or right of way or in a way that interferes with the property ingress or egress or creates a traffic hazard for neighboring property owners.
- (4) Portable storage containers shall be placed on a hard-durable surface such as asphalt or Portland cement.
- (5) Portable storage containers shall be placed at the rear of the property in such a manner as to minimize/screen their visibility from any public street and adhere to side and rear yard setback requirements, except that a temporary portable storage container for construction or remodeling may be located in another reasonable location not otherwise prohibited herein for a period not to exceed 180 days.
- (6) Portable storage containers shall be kept in good condition, free from evidence of deterioration, weathering, discoloration, rust, damage, graffiti, and shall be properly maintained at all times.
- (7) Portable storage containers shall not be used for retail sales, office space or business operations or to store waste and shall comply with the requirements of Chapter 1511 of the Codified Ordinances, including, but not limited to, Section 1511.01(10) Identification of Hazardous Substances. (Ord. 56-20. Passed 7-27-20.)

1143.27 DUMPSTERS LOCATED WITHIN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(a) For the purposes of this section, “dumpster” means any unit designed for the collection of large quantities of trash, yard waste, garbage, building or construction debris, trees, or limbs and designed to be delivered and picked up by a truck and which is left on site in any A or R Zoning District or on any other property used for residential purposes in any other zoning district or planned unit development. Dumpster does not include garbage cans which can be moved by a person.

(b) Dumpsters are permitted within multiple family residences for the regular collection of trash and garbage from the residents thereof, subject to all other applicable requirements as to enclosure with lids and/or screening and/or location, etc. Dumpsters at all other residential locations are subject to the following limitations:

- (1) At new building construction sites, not to exceed nine months without specific written approval of the Building Inspector and then not to exceed a period reasonably necessary to complete the construction.
- (2) For existing buildings, dumpsters may be located on-site for the duration of the remodeling, renovation or expansion work but not to exceed a total of three months in any one year period without specific written approval of the Building Inspector and then not to exceed a period reasonably necessary to complete the construction.
- (3) For existing buildings, dumpsters must be located on a paved surface out of the City right-of-way.
- (4) Dumpsters must be removed from all residential premises after construction is complete or a certificate of occupancy has been issued, whichever is earlier, except as provided above with regard to multiple family residences.
- (5) No more than one dumpster at a time is permitted on a single-family residential lot without the written approval of the Building Inspector.
- (6) No trash, yard waste, garbage, building or construction debris, trees or limbs may be brought from other property or premises to a dumpster located on residential premises, except to a dumpster specifically provided by the City of Fairfield on a temporary use basis for residential property.

(Ord. 26-06. Passed 2-27-06.)

1143.28 SOLAR ENERGY EQUIPMENT.

Solar energy equipment is permitted in accordance with the following requirements:

- (a) Solar panels or solar film is allowed on the roof of any principal permitted structure and as roof material for overhangs, porches, awnings, gazebos, or similar structures but only when such structures are constructed as an integral part of the principal structure.
- (b) Rooftop solar panels shall be installed on the plane of the roof (flush mounted) and shall not extend above the ridgeline of the roof. In no case can the solar panels extend greater than eighteen inches from the roof surface.
- (c) For rooftop solar panels, all exposed conduits, plumbing lines and related appurtenances shall be painted in a color scheme that closely matches the roof materials.
- (d) No ground mounted or wall mounted solar panels greater than one (1) square foot are permitted in any residential or agricultural zoning districts. Ground mounted and wall mounted solar panels are permitted in M-2, ST, SE, C-2, C-3, C-3A and B-1 zoning districts. They must be located no closer than 200 feet from any residential or agricultural zoning district.
- (e) A ground mounted solar panel shall be subordinate in size to the principal structure it serves, shall not exceed 15 feet in height, and is subject to the setbacks as defined in the district in which it is permitted.
- (f) Ground mounted solar panels may not be located in the front yard.
- (g) Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity. The owner and/or occupant of the property on which the solar panels are located shall be responsible for correcting any violation of this subsection.
- (h) Solar panels used exclusively for traffic control signals or devices are exempted from this section except subsection (g) above which shall apply.

(Ord. 98-10. Passed 11-8-10.)

1143.29 SITE LANDSCAPING.

In all zoning districts, except single-family residences, all areas not occupied by structures, pathways, parking lots or loading areas shall be covered with plantings, grass or other natural ground cover. Hardscape, such as rock, shall only be permitted an necessary to convey stormwater run-off or as a minor accessory to plantings, grass or other natural ground cover.

(Ord. 94-16. Passed 10-24-16.)

1143.30 SECURITY BARS.

Security bars, grilles or similar devices shall be retractable, shall be installed on the interior of the window or door frames, and shall be retracted at all times during which the building is open for business. A building permit shall be required prior to installation of security bars, grilles or similar devices.

(Ord. 94-16. Passed 10-24-16.)

1143.31 RAIN BARRELS WITHIN A ORR ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(a) For the purposes of this section, the following terms are defined as:

(1) "Rain barrel" means a container designed or used to collect rainwater from a collecting structure.

(2) "Collecting structure" means any house, garage, building or canopy from which rainwater is diverted for collection in a rain barrel(s).

(b) Location. Rain barrels and accessories are not permitted in the front or street side yard and shall be located within 12 inches of a collecting structure.

(c) Appearance. Rain barrels are to be earth tone colors. Rain barrels that do not meet this requirement are to be screened from view by either a collecting structure or a vinyl or pressure treated wood privacy fence that is of a white or an earth tone color.

(d) Height. The height of the rain barrel, including the pedestal riser stand, shall not exceed six feet in height from grade. An elevated platform is permitted, but the height of the rain barrel and platform together shall not exceed six feet in height from grade.

(e) Maximum Size and Number. The maximum capacity of a rain barrel shall not exceed 100 gallons. If two or more rain barrels are interconnected, they must be screened from view by either a collecting structure or a vinyl or pressure treated wood privacy fence that is of a white or earth tone color.

(f) Rain barrels shall be operated in such a manner as to avoid creating a public or private nuisance. (Ord. 114-19. Passed 12-2-19.)

CHAPTER 1144

Wireless and Cellular Telecommunications Towers and Facilities

1144.01 Purpose, definitions and effect.

1144.02 General requirements.

1144.03 Registration of wireless and cellular telecommunications facilities, carriers and providers.

1144.04 Wireless and cellular telecommunication towers and facilities structural requirements.

1144.05 Zoning districts and locations where permitted.

1144.06 Application procedure.

1144.07 Application requirements.

1144.08 Existing wireless and cellular telecommunication towers and facilities.

1144.09 Design standards for wireless and cellular telecommunications towers and facilities.

1144.10 Design standards for wireless and cellular telecommunication facilities as attachments to existing structures.

1144.11 Standards for wireless and cellular towers and facilities on publicly owned property.

1144.12 Wireless and cellular telecommunication tower and facility location within existing electrical transmission towers.

1144.13 Removal of wireless telecommunication towers and facilities.

1144.01 PURPOSE, DEFINITIONS AND EFFECT.

(a) Purpose. It is the purpose of the regulations contained in this chapter entitled "Wireless and Cellular Telecommunications Towers and Facilities", to:

(1) Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the City;

(2) Minimize adverse visual effects of communications towers and support structures through proper siting, design and screening;

(3) Avoid potential damage to adjacent properties from communications towers and support structure failure; and

(4) Encourage the joint use of tall structures and any new and existing communications towers and support structures to reduce the number of such structures needed in the future.

(b) Definitions. As used in this chapter, the following terms shall have the meanings indicated:

(1) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(2) "Antenna" means any exterior apparatus designed for telephonic, radio or television communications through the sending, relaying and/or receiving of electromagnetic waves; including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.

(3) "Clear and convincing evidence" means the measure of proof which will produce a firm belief as to the allegation sought to be established.

(4) "Co-location" means the process of providing space for more than one user on a tower or facility.

(5) "Cellular or wireless communications support structure" means any building or structure, including equipment shelter, guy wire anchors, accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.

(6) "Height", when referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower or other structure even if said highest point is an antenna.

(7) "Wireless and cellular telecommunication equipment" means antennas and satellite dishes, etc. which are used for transmitting, receiving or relaying communications signals, except as such equipment has been preempted from regulation by the Telecommunications Act of 1996.

(8) "Tower" means any freestanding structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

(9) "Wireless and cellular telecommunication facilities" means any cable, wires, lines, wave guides, support structure, antennas and any other equipment or facilities associated with the transmission or reception of communications, as authorized by the Federal Communication Commission. However, the term "wireless telecommunications facilities" shall not include:

A. Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or which is granted approval as a conditional use.

B. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

C. Antennas used by amateur radio operators are excluded from this definition.

(10) "Personal wireless services" means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.

(11) "Cellular communication services" means personal communications accessed by means of cellular equipment and services.

(12) "Tall structures" means any structure or building, including but not limited to, smoke stacks, water towers, buildings over forty-five feet in height, antenna support structures of other cellular or wireless communication companies, and other communication towers.

(c) Effect on Other Zoning Regulations. The provisions of any other zoning regulation of these Codified Ordinances notwithstanding, the provisions of this chapter shall apply to all wireless and cellular telecommunications towers and facilities and shall supercede any contrary zoning regulation, including, but not limited to, zoning regulations related to essential services, public utilities and height restrictions, modifications and exceptions.
(Ord. 75-97. Passed 6-5-97.)

1144.02 GENERAL REQUIREMENTS.

(a) Wireless and cellular telecommunications towers and facilities are either permitted uses or conditional uses in a variety of zoning districts contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new towers.

(b) Registration of wireless and cellular telecommunication towers and facilities is needed as required in Section 1144.03.

(c) Shared usage of towers and transmission facilities is encouraged and towers should be designed to accommodate such uses including governmental telecommunication needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.

(d) The applicant must co-locate its facilities except where the applicant can demonstrate by clear and convincing evidence that its facilities cannot be located on any other existing communication tower, building, or structure in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue impact caused by the "clustering" of towers within an area. The applicant must send a certified mail announcement to all other owners of existing towers and tall structure owners in the geographic area to be served stating their siting needs and/or sharing capabilities. In determining whether a facility can or cannot be located on another communication tower, building, or structure, the City shall consider the space available on an existing structure, the technological practicality of the co-location, the financial feasibility of the co-location, and such other factors as the City deems appropriate.

(e) Any applicable airport land use compatibility criteria/policies and Federal Aviation Administration regulations shall be met and requirements presented to the City of Fairfield prior to facility approval.

(f) The owner of any tower or facility shall indemnify and hold the City harmless against any and all claims, demands, suits, causes of action or judgment due to any injury including death, damage caused by the operation or construction of the tower or facility.
(Ord. 75-97. Passed 6-5-97.)

1144.03 REGISTRATION OF WIRELESS AND CELLULAR TELECOMMUNICATIONS FACILITIES, CARRIERS AND PROVIDERS.

(a) Registration is required by all telecommunication tower owners and carriers and providers that offer or provide any telecommunications services for a fee directly to the public from wireless and cellular telecommunications facilities within the City of Fairfield. The registration forms to be provided to the City are available from the Planning Director. A fee of one hundred dollars (\$100.00) shall be charged for the registration.

(b) Each owner shall inform the City within sixty days of any change of the information set forth on the registration form.

(c) Wireless telecommunication towers and facilities registration must be renewed on a biennial basis, at the beginning of each even-numbered year. The registration must be accompanied by the one hundred dollar (\$100.00) fee. The telecommunications tower or facility owner/operator must submit the registration to the Planning Department of the City of Fairfield by February 1 of the applicable year.
(Ord. 75-97. Passed 6-5-97.)

1144.04 WIRELESS AND CELLULAR TELECOMMUNICATION TOWERS AND FACILITIES STRUCTURAL REQUIREMENTS.

No wireless and cellular telecommunication tower and/or facility shall be designed and/or sited such that it poses a potential hazard to nearby improvements or surrounding properties. The structural integrity of towers and facilities must meet the applicable OBBC and EIA/TIA 222 standards and be designed by a professional engineer qualified in electrical/structural design. A building permit will only be issued when these requirements are met to the satisfaction of the Building Superintendent.
(Ord. 75-97. Passed 6-5-97.)

1144.05 ZONING DISTRICTS AND LOCATIONS WHERE PERMITTED.

(a) Principally Permitted. Towers and facilities are principally permitted in M- 1, Industrial Park District and M-2, General Industrial District subject to the provisions of Section 1144.09, Design Standards for Wireless and Cellular Telecommunication Towers and Facilities.

(b) Conditional Uses. Towers and facilities not to exceed a total of 200 feet in height shall be permitted as a conditional use when expressly authorized by the Planning Commission and subject to the provisions of Section 1144.09, Design Standards for Wireless and Cellular Telecommunication Towers and Facilities in the following zones: C-3, General Business District; C-3A, General Business District, Modified; ST, Service Transition Commercial/Industrial District.

(c) Administrative Approval by Planning Director. Wireless and Cellular Telecommunication facilities of a height not to exceed the lesser of twenty-five feet or twenty- five percent (25%) of height of structure, shall be permitted in all zoning districts subject to Section 1144.10.

(d) Tower and facilities located on publicly owned property subject to Section 1144.11.

(e) Wireless and cellular telecommunications towers and facilities are permitted to locate with existing electrical transmission towers in all zoning districts subject to Section 1144.12.
(Ord. 75-97. Passed 6-5-97.)

1144.06 APPLICATION PROCEDURE.

(a) Any person or company intending to apply for the placement or operation of a cellular or wireless communications tower or facilities within the City of Fairfield shall first schedule a pre-application conference with the Planning Director. At the conference, the perspective applicant must present to the Planning Director any proposed locations for siting of towers and equipment. The information should identify possible locations, tower and tall structure heights, and the possibility of co-location.

(b) The purpose of the pre-application conference will be to, generally, evaluate the impact on adjacent areas and neighborhoods, discuss co-location; identify suitable sites that minimize any negative impact on surrounding areas.

(c) Upon the completion of the pre-application conference, an application may be filed with the Planning Director. The applicant must comply with the requirements of this chapter.

(d) A two hundred fifty dollars (\$250.00) application fee will be charged for each new cellular or wireless telecommunication tower or facility. This fee shall be in addition to any applicable building permit fee.
(Ord. 75-97. Passed 6-5-97.)

1144.07 APPLICATION REQUIREMENTS.

An applicant proposing to construct a new tower must submit an improvement plan in accordance with Chapter 1109. In addition to meeting the requirements of Section 1109.01, the plan must include:

- (a) The location of all existing facilities and towers owned or used by the applicant within the City and outside the City limits within a one-fourth mile radius. Provide the following information for each existing facility:
 - (1) Type and size of the tower and facilities at each location.
 - (2) The type and accessory equipment and/or building located at each site.
 - (3) The ground network and associated land lines utilized by each tower.
 - (b) The general location of planned future towers and facilities.
 - (c) For each specific tower location shown on the plan, there must be a schedule showing:
 - (1) Type and size of the tower and facility at each location.
 - (2) The type of accessory equipment located or proposed on each tower.
 - (3) Type, size and location of any support structure to be used by the tower for which the application is being submitted.
 - (4) The ground network and associated land lines, if any, utilized by each site.
 - (5) A site plan showing the parcel on which any existing tower is located.
 - (6) Detailed drawing of screening plan and related design standards.
 - (d) Copies of all certified mail announcements to all other owners of towers and tall structures must be attached to the application. See Section 1144.02 (d) herein.
 - (e) Notification from the FAA and local airport describing any requirements to be set forth on the tower and its location.
- (Ord. 75-97. Passed 6-5-97.)

1144.08 EXISTING WIRELESS AND CELLULAR TELECOMMUNICATION TOWERS AND FACILITIES.

Existing wireless and cellular telecommunication towers and facilities which do not comply with the conditions of this chapter at the time of its adoption, shall be classified as nonconforming. However, the owner and/or operator must comply with any registration requirements set forth in this chapter. Future co-location of facilities on existing towers and changes to the towers or facilities must comply with requirements of this chapter.

(Ord. 75-97. Passed 6-5-97.)

1144.09 DESIGN STANDARDS FOR WIRELESS AND CELLULAR TELECOMMUNICATIONS TOWERS AND FACILITIES.

(a) All telecommunication towers, support structures, and associated facilities shall be enclosed with a six foot high solid fence or barrier and a continuous evergreen hedge a minimum of thirty inches in height on the outside of the fence or barrier. Applicant is responsible for installation and maintenance of the fence or barrier and hedge.

(b) Proof shall be provided by the applicant in a form satisfactory to the Planning Director that the proposed installation has been approved by and will be operated in compliance with all agencies and governmental entities having jurisdiction, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission or the successors to their respective functions.

(c) Lights, beacons or strobes of any kind shall not be permitted on any tower, antenna, or facilities unless required by the Federal Aviation Administration. Any such requirements must be presented to the Planning Director prior to City approval of the facility. Furthermore, telecommunication towers are discouraged from locating in areas which would require special painting or lighting by the FAA regulations.

(d) Setback Requirements. Towers shall be located no closer than 500 feet from an A or R zoning district line and no closer than 250 feet to a public street right of way and no closer to any property lines than twenty-five (25%) of the height of the proposed tower.

(e) The minimum size of a parcel on which a tower is located shall be two acres and no more than one tower may be located on a parcel. Parcel means a separate tract of land as determined by the Butler County Auditor's Office.

(f) No advertisement of any kind shall be installed on telecommunication towers and/or facilities.

(g) The towers shall be painted a non-contrasting gray or similar color minimizing their visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration. When permitted as a conditional use, the Planning Commission may require an alternative tower structure to blend into the existing environment. The towers shall be maintained in accordance with Chapter 1343.

(h) Towers erected in C-3, C-3A or ST zones shall be 200 feet or less in height.

(Ord. 75-97. Passed 6-5-97.)

1144.10 DESIGN STANDARDS FOR WIRELESS AND CELLULAR TELECOMMUNICATION FACILITIES AS ATTACHMENTS TO EXISTING STRUCTURES.

(a) Telecommunication facilities on existing structures are permitted in all districts as specified in Section 1144.05, subject to the following standards:

- (1) Existing tall structures includes water towers, smoke stacks, buildings, lighting standards or other structures.
- (2) Telecommunication facilities on existing structures must be aesthetically and architecturally compatible with the surrounding environment.
- (3) The maximum height of such telecommunication facilities shall not exceed the lesser of twenty-five feet or twenty-five percent (25%) of the height of the structure on which it is located. If located on a building, such facilities must be set back from the edge of the building a distance equal to the height of the facility. Any facility which will not extend more than ten feet above the height of the building and flush-mounted panel antennae are exempt from the setback requirement in this subsection.

(Ord. 75-97. Passed 6-5-97.)

1144.11 STANDARDS FOR WIRELESS AND CELLULAR TOWERS AND FACILITIES ON PUBLICLY OWNED PROPERTY.

(a) Towers and facilities may be permitted on any City of Fairfield owned property subject to the following:

- (1) The property must be leased from the City at its sole discretion.
- (2) The maximum height and design of any tower and/or facility on City of Fairfield property shall be determined by City Council.
- (3) All design standards in Sections 1144.09 and 1144.10, shall apply to towers and facilities under this Subsection except for the setback requirements in Subsection 1144.09 (d).
- (4) The Fairfield Parks and Recreation Board, must also approve the location and design of towers and facilities located on land under the control of the Board.

(b) Towers and facilities may be permitted on any Fairfield City School owned property subject to the following:

- (1) Planning Commission approval of a Conditional Use for the tower or facility located on property located in an A or R District.
- (2) Fairfield School Board approval is required.
- (3) The maximum height of any tower and/or facility shall not exceed 200 feet in height.

- (4) All design standards in Sections 1144.09 and 1144.10 shall apply to towers and facilities under this Section except for setback requirements in Section 1144.09 (d).
- (c) Towers and facilities may be permitted on any other publicly owned property subject to the following:
- (1) A conditional use must be approved by the Planning Commission for any publicly owned property located in a district in which towers and/or facilities are not a principally permitted use.
- (2) The maximum height of any tower and/or facility shall not exceed 200 feet in height.
- (3) All design standards in Section 1144.09 and 1144.10 shall apply to towers and facilities under this Section except for setback requirements in Section 1144.09(d).
- (Ord. 75-97. Passed 6-5-97.)

1144.12 WIRELESS AND CELLULAR TELECOMMUNICATION TOWER AND FACILITY LOCATION WITHIN EXISTING ELECTRICAL TRANSMISSION TOWERS.

- (a) Wireless and cellular telecommunication towers and facilities are permitted and encouraged to utilize existing electrical transmission towers which have a height of at least 120 feet.
- (b) The height of the wireless and cellular telecommunication towers and facilities shall not exceed a total of 200 feet.
- (c) Section 1144.09 (c) and 1144.09 (f) shall apply.
- (Ord. 75-97. Passed 6-5-97.)

1144.13 REMOVAL OF ABANDONED WIRELESS AND TELECOMMUNICATION TOWERS AND FACILITIES.

- (a) All wireless and cellular telecommunication towers and facilities shall be removed within six months after they are no longer used. All owners or operators of such towers or facilities shall notify the Superintendent of Building and Zoning in writing of the date upon which such towers or facilities are no longer used.
- (b) Wireless and cellular telecommunication towers and facilities which are not removed within six months after they are no longer used are hereby declared to be a public nuisance and shall be abated by removal of such tower and/or facilities.
- (c) The Superintendent of Building and Zoning shall serve written notice on the owner or operator of the tower and/or facilities and the lessee and/or owner of the property upon which such tower and facilities are located ordering removal of the tower and/or facilities within one hundred twenty (120) days of the receipt of the notice.
- (d) In the event that the tower and/or facilities are not removed within 120 days after the written notice, then the Superintendent of Building and Zoning is authorized and directed to abate such public nuisance by causing the removal of the tower and/or facilities at the expense of the owner or lessee of the tower, facilities or property.
- (e) The cost of removal of the tower and/or facilities by the Superintendent of Building and Zoning shall be certified to the Butler County Auditor as a lien for assessment and collection against the real property upon which the tower and/or facilities were located in the same manner as general taxes and returned to the City's general fund.
- (Ord. 75-97. Passed 6-5-97.)

CHAPTER 1145

A-1 Agricultural and Estate Residence District

- 1145.01 Principal permitted uses.
- 1145.02 Conditional uses.
- 1145.03 Accessory uses.
- 1145.04 Height regulations.
- 1145.05 Lot area, frontage and yard requirements.
- 1145.06 Courts.
- 1145.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.

Exception and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Swimming pools - see P. & Z. Ch. 1193

Mineral extraction - see P. & Z. Ch. 1195

1145.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) Agricultural. Agriculture.
- (b) Residential. One-family dwellings.
- (c) Institutional. Churches, schools, libraries, seminaries. See conditional uses relative to school and church activities.
- (d) Essential Services. As defined in Section 1133.01(a)(36).
- (e) Recreational. Noncommercial recreation facilities; swimming pools subject to the provisions of Chapter 1193. (Ord. 94-84. Passed 7-9-84; Ord. 18-85. Passed 2-25-85.)

1145.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Tourist Homes. Tourist homes, rooming and boarding houses when located on or having access from a State or Federal highway or principal thoroughfare.
- (b) Recreational. Commercial recreation facilities; swimming pools subject to the provisions of Chapter 1193.
- (c) Institutional. Hospitals, museums, art galleries and similar cultural facilities; and colleges for academic instruction.
- (d) Cemetery. A minimum site area shall be twenty acres. No graves are to be placed less than 100 feet from any property line.
- (e) Utility. Public utility buildings necessary for the furnishing of adequate service to the area.

(f) Kennel. Breeding, grooming and sale of domestic animals.

(g) Club. Noncommercial clubs and lodges.

(h) Day-care Center.

(i) School and Church Activities. School and/or church activities or uses which are related to the principal permitted use such as: driver training facilities; inter-scholastic and professional athletic facilities; school maintenance facilities; storage of five or more buses; commercial facilities (reception halls); day-care facilities; and other similar activities. These uses shall not be considered accessory uses.

(Ord. 94-84. Passed 7-9-84.)

(j) Family Care Facility. As defined in Section 1133.01 (37.2), provided that such facility shall not be located closer than 1,500 feet, measured in any direction, from any other lot or parcel upon which another community social service facility is located.

(Ord. 156-92. Passed 12-14-92.)

(k) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

1145.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal or conditional use shall be permitted in conjunction with such use, including the following:

(a) Residential. The keeping of not more than two roomers or boarders by a resident family.

(b) Domestic Animal. The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building, but not including a kennel.

(c) Parking Facility. Parking garage or parking area subject to the provisions of Chapter 1183.

(d) Recreational. Private swimming pools subject to the provisions of Chapter 1193.

(e) Home Occupation. As defined in Section 1133.01(a)(39), provided that not more than one-half the area of one floor of the dwelling is devoted to such use.

(f) Sign. As regulated and defined in Chapter 1187.

(g) Temporary Produce Stand. On any premises used for the sale of agricultural products grown on such premises only.

(Ord. 94-84. Passed 7-9-84.)

1145.04 HEIGHT REGULATIONS.

No principal structure shall exceed two and one-half stories or thirty feet except as provided in Section 1180.02. For parcels less than 2 acres, no accessory structure shall exceed one story or fifteen feet except as provided in Section 1180.02.

(Ord. 98-10. Passed 11-8-10.)

1145.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

(a) The following minimum requirements shall apply, except as provided in Chapter 1180.

<u>Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
1 and 1 1/2 stories	20,000	100	40	10% of Lot Width	30
2 and 2 1/2 stories	20,000	100	40	Each Side Max. 20	35
All other uses	90,000	300	40	60	40

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
A-1	1 and 1 1/2 story dwelling	N/A	N/A
	2 and 2 1/2 story dwelling	N/A	N/A
	Other	20' adjoining all A and R Zones	6'

(Ord. 94-84. Passed 7-9-84.)

1145.06 COURTS.

Whenever any room in which persons live or sleep cannot be reasonably and adequately lighted and ventilated from a front, side or rear yard, a court, conforming with the provisions of this section, shall be provided on which such rooms shall open. Such court need not extend below the lowest story it is required to serve.

(a) Outer Court. A court which extends directly to and opens for its full width on a front, side or rear yard, shall not be less than six inches wide for each foot of height above the sill of the lowest window served by it, nor in any case less than six feet wide. The length of such court, measured perpendicular to the width, shall not exceed twice such width unless the width conforms to the requirements of subsection (b) hereof.

(b) Inner Court. A court which does not extend directly to, nor open for its full width on a front, side or rear yard shall be not less than nine inches wide for each foot of height above the sill of the lowest window served by it, nor in any case less than ten feet wide.

(Ord. 94-84. Passed 7-9-84.)

1145.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

(a) The purpose of these architectural standards is to ensure that principal residential structures built on infill parcels respect and are responsive to their physical context and preserve the architectural character and property values of the surrounding area. For purposes of this paragraph (a), elements that define architectural character of the surrounding area include, but are not limited to, building size and mass, building materials, colors, architectural styles, roof types and ancillary elements such as building setbacks and private deed or subdivision restrictions.

(b) All new principal residential structures constructed on infill parcels shall conform to the architectural character of the surrounding area and shall require specific review and prior approval of the Planning Commission before issuance of a building permit.

(Ord. 123-18. Passed 12-3-18.)

CHAPTER 1147

R-0 One-Family Residence District

1147.01 Principal permitted uses.

1147.02 Conditional uses.

1147.03 Accessory uses.

1147.04 Height regulations.

1147.05 Lot area, frontage and yard requirements.

1147.06 Courts.

1147.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.

Exceptions and modifications - see P. & Z. Ch. 1180

Off-street loading and parking - see P. & Z. Ch. 1183

Signs - see P. & Z. Ch. 1187

Swimming pools - see P. & Z. Ch. 1193

Nonconforming use - see P. & Z. Ch. 1198

1147.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

(a) Agricultural. Agriculture, but not including animal and poultry husbandry and dairying.

(b) Residential. One-family dwellings.

(c) Institutional. Churches, schools and libraries. See conditional uses relative to school and church activities.

(d) Essential Services. As defined in Section 1133.01(a)(36).

(Ord. 94-84. Passed 7-9-84.)

1147.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

(a) Day-care Center.

(b) Recreational. Noncommercial recreational facilities; swimming pools subject to the provisions of Chapter 1193.

(c) Institutional. Hospitals and colleges for academic instruction.

(d) Club. Noncommercial clubs and lodges.

(e) Utility. Public utility buildings necessary for the furnishing of adequate service to the area, but not including general offices, garages, warehouses, or outdoor storage yards.

(f) School and Church Activities. School and/or church activities or uses which are related to the principal permitted use such as: driver training facilities; inter-scholastic and professional athletic facilities; school maintenance facilities; storage of five or more buses;

commercial facilities (reception halls); day-care facilities; and other similar activities. These uses shall not be considered accessory uses.

(Ord. 94-84. Passed 7-9-84.)

(g) Family Care Facility. As defined in Section 1133.01 (37.2), provided that such facility shall not be located closer than 1,500 feet, measured in any direction, from any other lot or parcel upon which another community social service facility is located. (Ord. 156-92. Passed 12-14-92.)

(h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

1147.03 ACCESSORY USES.

Accessory uses, buildings or structures, customarily incidental to any aforesaid principal or conditional use shall be permitted in conjunction with such use, including the following:

(a) Residential. The keeping of not more than two roomers or boarders by a resident family.

(b) Domestic Animal. The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building, but not including a kennel.

(c) Parking Facility. Parking area subject to the provisions of Chapter 1183.

(d) Recreational. Private swimming pools subject to the provisions of Chapter 1193.

(e) Home Occupation. As defined in Section 1133.01(a)(39), provided that not more than one-fourth the area of one floor of the dwelling is devoted to such use.

(f) Sign. As regulated and defined in Chapter 1187.

(g) Temporary Building. For uses incidental to construction.

(Ord. 94-84. Passed 7-9-84.)

1147.04 HEIGHT REGULATIONS.

No accessory structure shall exceed one story or fifteen feet except as provided in Section 1180.02. No principal structure shall exceed three stories or thirty-five feet, whichever is lower, except as provided in Section 1180.02.

(Ord. 94-84. Passed 7-9-84.)

1147.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

(a) The following minimum requirements shall apply, except as provided in Chapter 1180.

<u>Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
1 & 1 1/2 stories	14,000	90	30	10% of Lot Width	30
2 & 2 1/2 stories	14,000	90	30	Each side Max. 15	35
All Other Uses	90,000	300	40	60	40

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-O	1 and 1 1/2 story dwelling	N/A	N/A
	2 and 2 1/2 story dwelling	N/A	N/A
	Other	20' adjoining all A and R zones	6'

(Ord. 94-84. Passed 7-9-84.)

1147.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1147.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

Same as required in the A-1 District. (Ord. 123-18. Passed 12-3-18.)

CHAPTER 1149

R-1 One-Family Residence District

- 1149.01 Principal permitted uses.
- 1149.02 Conditional uses.
- 1149.03 Accessory uses.
- 1149.04 Height regulations.
- 1149.05 Lot area, frontage and yard requirements.
- 1149.06 Courts.
- 1149.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.
Exceptions and modifications - see P. & Z. Ch. 1180
Off-street loading and parking - see P. & Z. Ch. 1183
Signs - see P. & Z. Ch. 1187
Swimming pools - see P. & Z. Ch. 1193
Nonconforming uses - see P. & Z. Ch. 1198

1149.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) Agricultural. Agriculture, but not including animal and poultry husbandry and dairying.
- (b) Residential. One-family dwellings.
- (c) Institutional. Churches; schools and libraries. See conditional uses relative to school and church activities.
- (d) Essential Services. As defined in Section 1133.01(a)(36).

(Ord. 94-84. Passed 7-9-84.)

1149.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Tourist Homes. Tourist homes and rooming and boarding houses when located on and having access from a federal or State highway or a principal thoroughfare.
 - (b) Day-care Center.
 - (c) Recreational. Noncommercial recreation facilities; swimming pools subject to the provisions of Chapter 1193.
 - (d) Institutional. Hospitals and/or clinics; colleges for academic instruction.
 - (e) Club. Noncommercial clubs and lodges.
 - (f) Utility. Public utility building necessary for the furnishing of adequate service to the area but not including general offices, garages, warehouses or outdoor storage yards.
 - (g) School and Church Activities. School and/or church activities or uses which are related to the principal permitted use such as: driver training facilities; inter-scholastic and professional athletic facilities; school maintenance facilities; storage of five or more buses; commercial facilities (reception halls); day-care facilities; and other similar activities. These uses shall not be considered accessory uses.
- (Ord. 94-84. Passed 7-9-84.)
- (h) Family Care Facility. As defined in Section 1133.01(37.2), provided that such facility shall not be located closer than 1,500 feet, measured in any direction from any other lot or parcel upon which another community social service facility is located.

(Ord. 156-92. Passed 12-14-92.)

- (i) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.

(Ord. 98-10. Passed 11-8-10.)

1149.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal or conditional use shall be permitted in conjunction with such use, including the following:

- (a) Residential. The keeping of not more than two roomers or boarders by a resident family.
- (b) Domestic Animal. The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building, but not including a kennel.
- (c) Parking Facility. Parking garage or parking area subject to the provisions of Chapter 1183.
- (d) Recreational. Private swimming pools subject to the provisions of Chapter 1193.
- (e) Home Occupation. As defined in Section 1133.01(a)(39), provided that not more than one-fourth of the area of one floor of the dwelling is devoted to such use.
- (f) Signs. As regulated and defined in Chapter 1187.
- (g) Temporary Buildings. For uses incidental to construction.

(Ord. 94-84. Passed 7-9-84.)

1149.04 HEIGHT REGULATIONS.

No accessory structure shall exceed one story or fifteen feet except as provided in Section 1180.02. No principal structure shall exceed three stories or thirty-five feet, whichever is lower, except as provided in Section 1180.02.

(Ord. 94-84. Passed 7-9-84.)

1149.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

(a) The following minimum requirements shall apply, except as provided in Chapter 1180.

<u>Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
1 & 1 1/2 stories	12,000	75	30	Each side 10% of Lot Width Max. 15	30
2 & 2 1/2 stories	12,000	75	30	Each side 10% of Lot Width Max. 15	30
All Other Uses	40,000	200	30		40

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-1	1 and 1 1/2 story dwelling	N/A	N/A
	2 and 2 1/2 story dwelling	N/A	N/A
	Other	20' adjoining all A and R zones	6' adjoining all A and R zones

(Ord. 94-84. Passed 7-9-84.)

1149.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1149.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

Same as required in the A-1 District. (Ord. 123-18. Passed 12-3-18.)

CHAPTER 1151

R-2 One To Four Family Residence District

- 1151.01 Principal permitted uses.
- 1151.02 Conditional uses.
- 1151.03 Accessory uses.
- 1151.04 Height regulations.
- 1151.05 Lot area, frontage and yard requirements.
- 1151.06 Courts.
- 1151.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.
 Exceptions and modifications - see P. & Z. Ch. 1180
 Off-street loading and parking - see P. & Z. Ch. 1183
 Signs - see P. & Z. Ch. 1187
 Swimming pools - see P. & Z. Ch. 1193
 Nonconforming uses - see P. & Z. Ch. 1198

1151.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

(a) General. Any use permitted and as regulated in the R-1 District except as modified herein, but not including agriculture.

(b) Residential. One, two, three and four-family dwellings.

(Ord. 94-84. Passed 7-9-84.)

1151.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission:

(a) General. The conditional uses permitted and as regulated in the R-1 District, except as modified herein.

(b) Funeral Homes. Funeral parlor or undertaking establishment, provided that any principal or accessory building for such uses shall be located not less than fifty feet from any other lot in any A or R District, and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises.

(Ord. 94-84. Passed 7-9-84.)

1151.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal or conditional use, shall be permitted in conjunction with such use, including the following:

(a) General. The accessory uses or structures permitted and as regulated in the R-1 District, except as modified herein.

(b) Gardening. Gardening and the raising of vegetables or fruits exclusively for the use and personal enjoyment of the occupants of the principal building and not for commercial purposes. (Ord. 94-84. Passed 7-9-84.)

1151.04 HEIGHT REGULATIONS.

Same as specified in the R-1 District. (Ord. 94-84. Passed 7-9-84.)

1151.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

(a) The following minimum requirements shall apply, except as provided in Chapter 1180, and except that any multi-family structure legally existing on the effective date of Ordinance No. 154-96 (effective November 14, 1996) shall continue as a conforming use and shall not be defined or limited by Section 1133.01(a)(64) and shall not be subject to or limited by the provisions of Chapter 1198. Such existing structures may be rebuilt to, but not exceeding, their legally existing density as of November 13, 1996.

<u>Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
1 Family	12,000	75	30	10% of Lot Width Each Side Max. 15	30
2 Family	21,780	80	30	10% of Lot Width Each Side Max. 15	30
3 Family	32,670	100	30	10% of Lot Width Each Side Max. 15	30
4 Family	43,560	100	30	10% of Lot Width Each Side Max. 15	30
All Other Uses	40,000	150	40	10% of Lot Width Each Side Max. 15	40

(Ord. 154-96. Passed 10-15-96.)

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-2	1 family detached dwelling	N/A	N/A
	2 family detached dwelling	N/A	N/A
	3 family detached dwelling	N/A	N/A
	4 family detached dwelling	N/A	N/A

	Other	20' adjoining all A and R zones	6' adjoining zones A-1, R-0, R-1
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(Ord. 94-84. Passed 7-9-84.)

1151.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1151.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

Same as required in the A-1 District. (Ord. 123-18. Passed 12-3-18.)

CHAPTER 1153

R-3 Multi-Family Residence District

- 1153.01 Principal permitted uses.
- 1153.02 Conditional uses.
- 1153.03 Accessory uses.
- 1153.04 Height regulations.
- 1153.05 Lot area, frontage and yard requirements.
- 1153.06 Courts.
- 1153.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. Ch. 1143.02
 Exceptions and modifications - see P. & Z. Ch. 1180
 Off-street loading and parking - see P. & Z. Ch. 1183
 Signs - see P. & Z. Ch. 1187
 Swimming pools - see P. & Z. Ch. 1193
 Nonconforming uses - see P. & Z. Ch. 1198

1153.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) General. Any use permitted and as regulated in the R-1 and R-2 District except as modified herein.
- (b) Residential. Multi-family dwellings; apartment hotels.
- (c) Recreational. Noncommercial recreational facilities; swimming pools subject to the provisions of Chapter 1193.

(Ord. 94-84. Passed 7-9-84.)

1153.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) General. The conditional uses permitted and as regulated in the R-1 District except as modified herein.
- (b) Institutional. Hospitals, but not including hospitals primarily or exclusively for the care of epileptics, drug addicts, the feeble-minded or insane, or for contagious diseases; libraries, museums, art galleries and similar cultural facilities; medical and dental office building.
- (c) Motels, Motor Hotels and Tourist Homes. On lots located on and having access from a State or federal highway and subject to the provisions of Chapter 1185.
- (d) Club. Noncommercial clubs and lodges.
- (e) Day-care Center.
- (f) Funeral Homes. Funeral parlor and undertaking establishment, not including a crematorium, provided that any principal or accessory building for such uses shall be located not less than fifty feet from any other lot in any A or R District, and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises. (Ord. 94-84. Passed 7-9-84.)
- (g) Group Care Facility. As defined in Section 1133.01(38.1), provided that such facility shall not be located closer than 1,500 feet, measured in any direction, from any other lot or parcel upon which another community social service facility is located. (Ord. 156-92. Passed 12-14-92.)

1153.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal or conditional use shall be permitted in conjunction with such use, including the following:

- (a) General. The accessory uses permitted and as regulated in the R-1 and R-2 District except as modified herein.
- (b) Home Occupation. As defined in Section 1133.01(a)(39) provided not more than one-half the area of one floor of the dwelling is devoted to such use.
- (c) Signs. As regulated and defined in Chapter 1187.

(Ord. 94-84. Passed 7-9-84.)

1153.04 HEIGHT REGULATIONS.

Accessory structures to one or two-family dwellings shall not exceed two stories or twenty-five feet, whichever is lower, except as provided in Section 1180.02. No principal structure shall exceed three stories or thirty-five feet whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission. A conditional use will not be authorized by the Planning Commission for any structure which exceeds seventy-five feet in height. (Ord. 94-84. Passed 7-9-84.)

1153.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

(a) The following minimum requirements shall be observed, except as provided in Chapter 1180, and except that any multi-family structure legally existing on the effective date of Ordinance No. 159-92 (effective January 14, 1993) shall continue as a conforming use and shall not be defined or limited by Section 1133.01(a)(64) and shall not be subject to or limited by the provisions of Chapter 1198. Such existing structures may be rebuilt to, but not exceeding, their legally existing density as of January 14, 1993.

<u>One and Two Family Dwellings</u>	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Area/Family (Sq. Ft.)</u>	<u>Lot Frontage (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
Same as required in the R-2 District						
<u>Multi-Family Dwellings</u>						
1 & 1-1/2 stories	12,000	5,445 (8 units/acre)	80	30	10% Lot Width Max. 15	30
2 & 2-1/2 stories	15,000	5,445 (8 units/acre)	100	30	10% Lot Width Max. 15	35
3 & 3-1/2 stories	18,000	5,445 (8 units/acre)	120	30	10% Lot Width Max. 15	35
4 or more stories	24,000	5,445 (8 units/acre)	160	30	20*	40
Other permitted uses	20,000	-----	150	30	20*	40

* Four feet more, for each story in excess of four stories.

(Ord. 159-92. Passed 12-14-92.)

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-3	1 family dwelling	Same as R-2	
	2 family dwelling	Same as R-2	
	<u>Multi-family dwelling</u>		
	1 and 1-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	2 and 2-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	3 and 3-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	4 or more stories	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	Other	20' adjoining all A and R zones	6' adjoining A-1, R-0, R-1, R-2

(Ord. 94-84. Passed 7-9-84.)

1153.06 COURTS.

Same as required in the A-1 District.

(Ord. 94-84. Passed 7-9-84.)

1153.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

Same as required in the A-1 District. (Ord. 123-18. Passed 12-3-18.)

CHAPTER 1155

R-4 Low Density Multi-Family Residence District

- 1155.01 Principal permitted uses.
- 1155.02 Conditional uses.
- 1155.03 Accessory uses.
- 1155.04 Height regulations.
- 1155.05 Lot area, frontage and yard requirements.
- 1155.06 Courts.
- 1155.07 Architectural standards for principal residential structures on infill parcels.

CROSS REFERENCES

General regulations - see P. & Z. 1143.02 et seq.
Exceptions and modifications - see P. & Z. Ch. 1180
Off-street loading and parking - see P. & Z. Ch. 1183
Signs - see P. & Z. Ch. 1187
Swimming pools - see P. & Z. Ch. 1193
Nonconforming uses - see P. & Z. Ch. 1198

1155.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

General. Any use permitted and as regulated in the R-3 District except as modified herein.

(Ord. 94-84. Passed 7-9-84.)

1155.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

General. The conditional uses permitted and as regulated in the R-3 District except as modified herein.

(Ord. 94-84. Passed 7-9-84.)

1155.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal or conditional use shall be permitted in conjunction with such use, including the following:

General. The accessory uses permitted and as regulated in the R-3 District except as modified herein.

(Ord. 94-84. Passed 7-9-84.)

1155.04 HEIGHT REGULATIONS.

Accessory structures to one or two-family dwellings shall not exceed two stories or twenty-five feet, whichever is lower except as provided in Section 1180.02. No principal structure shall exceed three stories or thirty-five feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission; but a conditional use will not be authorized by the Planning Commission for any structure which exceeds seventy-five feet in height. (Ord. 94-84. Passed 7-9-84.)

1155.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

(a) The following minimum requirements shall be observed, except as provided in Chapter 1180, however, the providing of deed parcels under individual living units is permitted, and except that any multi-family structure legally existing on the effective date of Ordinance No. 159-92 (effective January 14, 1993) shall continue as a conforming use and shall not be defined or limited by Section 1133.01(a)(64) and shall not be subject to or limited by the provisions of Chapter 1198. Such existing structures may be rebuilt to, but not exceeding, their legally existing density as of January 14, 1993.

<u>One and Two Family Dwellings</u>	<u>Lot Area (Sq.Ft.)</u>	<u>Lot Area/Family (Sq. Ft.)</u>	<u>Lot Frontage (Feet)</u>	<u>Front Yard Depth (feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
Same as required in the R-2 District						
<u>Multi-Family Dwellings</u>						

1 & 1-1/2 stories	12,000	7,260 (6 units/acre)	80	30	10% Lot Width Max. 15	30
2 & 2-1/2 stories	15,000	7,260 (6 units/acre)	100	30	10% Lot Width Max. 15	30
3 & 3-1/2 stories	18,000	7,260 (6 units/acre)	120	30	10% Lot Width Max. 15	35
4 or more stories	24,000	7,260 (6 units/acre)	160	30	20*	40
Other permitted uses	20,000	7,260 (6 units/acre)	150	30	20*	40

* Four feet more for each story in excess of four stories.

(Ord. 159-92. Passed 12-14-92.)

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
R-4	1 family dwelling	Same as R-2	
	2 family dwelling	Same as R-2	
	<u>Multi-dwelling</u>		
	1 and 1-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	2 and 2-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	3 and 3-1/2 story dwelling	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	4 or more stories	20' adjoining A-1, R-0, R-1, R-2	6' adjoining A-1, R-0, R-1, R-2
	Other	20' adjoining all A and R zones	6' adjoining all A and R zones

(Ord. 94-84. Passed 7-9-84.)

1155.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1155.07 ARCHITECTURAL STANDARDS FOR PRINCIPAL RESIDENTIAL STRUCTURES ON INFILL PARCELS.

Same as required in the A-1 District. (Ord. 123-18. Passed 12-3-18.)

CHAPTER 1157

C-1 Neighborhood Business District

- 1157.01 Principal permitted uses.
- 1157.02 Conditional uses.
- 1157.03 Accessory uses.
- 1157.04 Required conditions.
- 1157.05 Height regulations.
- 1157.06 Lot area, frontage and yard regulations.
- 1157.07 Courts.

CROSS REFERENCES

Exceptions and modifications - see P.&Z. Ch. 1180
Off-street loading and parking - see P.&Z. Ch. 1183
Signs - see P.&Z. Ch. 1187
Service stations; garages - see P.&Z. Ch. 1189
Nonconforming uses - see P.&Z. Ch. 1198

1157.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided herein and in Chapter 1198.

- (a) General. Any uses permitted as regulated in the R-1 District as modified herein except that no residential uses are permitted

except resident managers in which the residential component is clearly accessory to the business use.

- (b) Retail and Service. Any local retail business or service establishment supplying commodities or performing services primarily for residents of the neighborhood on a day-to-day basis, including groceries, garden supply stores, drugstores, barber shops, beauty parlors and clothes cleaning and laundry pick-up stores; but not including motor vehicle service stations.
- (c) Parking Facilities. Public Parking areas subject to the provisions of Chapters 1183 and 1189.
- (d) Funeral Homes. Funeral parlor or undertaking establishment, provided that any principal or accessory building for such uses shall be located not less than fifty feet from any other lot in any A or R District and provided fully adequate facilities for the storage and parking of vehicles of the establishment, patrons and visitors are provided on the premises.
- (e) Commercial and Noncommercial Recreational Facilities. Indoor commercial and noncommercial recreational facilities for handball and tennis, racquetball and other racquet sports, and indoor swimming pools, including indoor facilities for individual exercise which are incidental to such primary recreational facilities. (Ord. 98-10. Passed 11-8-10.)

1157.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) General. All conditional uses permitted and as regulated in the R-1 District except as modified herein.
- (b) Restaurant. Restaurants as defined in Section 1133.01(70.1).
- (c) Clinic.
- (d) Retail and Service. Any retail business or service establishment not a principal permitted use and which is determined by the Commission to be of the same general character as one of the principal permitted uses; but not including those uses which are first permitted, or are not permitted, in the C-3 District, unless demonstrated as necessary for normal day-to-day needs.
- (e) Institutional. Schools and colleges for academic instruction, churches, and church schools.
- (f) Motor Vehicle Fuel Dispensing Facility.
- (g) Fruit and Vegetable Stores.
- (h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.
(Ord. 94-16. Passed 10-24-16.)

1157.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

- (a) General. Accessory uses permitted and as regulated in the R-1 District except residential uses. Resident managers who oversee business facilities are permitted.
- (b) Nonresidential. Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted C-1 nonresidential uses and including off-street parking facilities subject to the provisions of Chapters 1183 and 1189.
- (c) Signs. As regulated and defined in Chapter 1187.
(Ord. 98-10. Passed 11-8-10.)

1157.04 REQUIRED CONDITIONS.

(a) Business in Enclosed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for off-street parking and such incidental outdoor display or storage of vehicles, merchandise, materials and equipment as does not exceed five percent (5%) of the gross floor area of the principal permitted structure upon the lot or 5,000 square feet, whichever is less. The maximum height permitted is four feet measured from grade to top of display. The display must not interfere with any pedestrian or vehicular sight distance upon the site or any public thoroughfare. Automobile and other motor vehicle sales, boat sales, outdoor recreation, recreational vehicle sales, manufactured housing sales, construction and farm equipment sales and rental, nursery sales and lumber sales in side and rear yards only are excluded from the requirements of this subsection. The Planning Commission may authorize other incidental outdoor display or storage which it determines to be similar to or not more objectionable than those uses already excluded from the requirements of this subsection.

(Ord. 154-96. Passed 10-15-96.)

(b) Production for Sale at Retail. All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.

(c) Nonobjectionable Uses. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by any reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

(d) New Merchandise. Goods for sale shall consist primarily of new merchandise.

(Ord. 94-84. Passed 7-9-84.)

(e) Maximum Use Size. Retail and service uses, except commercial and noncommercial recreational facilities are limited to a maximum of 5,000 square feet of gross floor area.

(f) Design Requirements. New structures and existing structures that undergo any change, reconstruction, structural alteration, remodeling or major repair respecting at least thirty-three percent (33%) of the visible exterior.

(1) Facade design.

- A. Shall incorporate at least fifty percent (50%) brick or stone on any facade facing a public roadway; and
- B. Shall not use metal siding or concrete block as the exterior finish material on any facade that is visible from a public roadway; and
- C. Shall display natural colors, except that bright primary colors may only be used for accent or trim purposes.

(2) Parking area.

- A. Shall be effectively screened from any street or public roadway by a minimum five (5) foot wide landscaped area adjoining all streets and rights-of-way, which shall contain a continuous row of shrubs at least twenty-four (24) inches tall at the time of planting and be opaque in winter and summer; and
- B. Shall incorporate in the interior portion of the parking area, landscaped areas equal to or exceeding five percent (5%) of the paved area, which shall consist of a combination of shrubs, flowers, trees or grass.

- (3) The provisions of these design requirements are not intended to prevent the installation of materials not specifically prohibited or to prohibit any design or method of construction, provided that such alternate has been approved by the Planning Commission. Any alternate material, design or method of construction may be approved where the Planning Commission finds that the proposed materials and design are consistent with the principles of preserving

the architectural character, landscape character and property values of the surrounding area.
(Ord. 56-20. Passed 7-27-20.)

1157.05 HEIGHT REGULATIONS.

Same as required in the R-3 District. (Ord. 94-84. Passed 7-9-84.)

1157.06 LOT AREA, FRONTAGE AND YARD REGULATIONS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Frontage (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (Feet)</u>	<u>Rear Yard Depth (Feet)</u>
(a) <u>Nonresidential Uses</u>	10,000	None	40	None; except when adjoining an A or R District, then not less than ten feet.	None; except when adjoining an A or R District, then not less than ten feet.
(b) <u>Residential</u>	Same as required in the R-1 District.				

(Ord. 94-84. Passed 7-9-84.)

(c) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-1	Business	20' adjoining A and R districts	6' adjoining A and R districts

(Ord. 94-84. Passed 7-9-84.)

1157.07 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1159

C-2 Central Business District

- 1159.01 Principal permitted uses.
- 1159.02 Conditional uses.
- 1159.03 Accessory uses.
- 1159.04 Required conditions.
- 1159.05 Lot area, frontage and yard requirements.
- 1159.06 Courts.
- 1159.07 Height regulations.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Service stations; garages - see P. & Z. Ch. 1189

Nonconforming uses - see P. & Z. Ch. 1198

1159.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.
- (b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.
- (c) Office. Business and/or professional offices; office buildings.
- (d) Bank. Banks, savings and loans and other similar financial organizations with or without drive-through facilities.
- (e) Restaurants and Fast Food Restaurants. Restaurants and fast food restaurants provided the principal building is distant not less

- than 100 feet from a principal structure in any A or R District. This subsection does not include drive-through facilities.
- (f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibrations; photographic studios, dancing studios, radio and telecasting studios and the like.
- (g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.
- (Ord. 114-19. Passed 12-2-19.)

1159.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) General. All conditional uses permitted and as regulated in the C-1 District, except as modified herein.
- (b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.
- (c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.
- (d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29.1) except bank drive-thru facilities which are a principal permitted use.
- (e) Entertainment. Night clubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises but not within 100 feet of a principal structure located in any A or R District.
- (f) Motor Vehicle Service Facility.
- (g) Clinic. (Ord. 114-19. Passed 12-2-19.)

1159.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

- (a) General. Accessory uses and structures as permitted and as regulated in the C-1 District, as well as accessory uses and structures not otherwise prohibited customarily accessory and incidental to any of the foregoing permitted C-2 uses.
- (b) Signs. As regulated and defined in Chapter 1187.

(Ord. 114-19. Passed 12-2-19.)

1159.04 REQUIRED CONDITIONS.

All conditions as specified for the C-1 District, except for new merchandise in the case of art and antique shops.

(Ord. 114-19. Passed 12-2-19.)

1159.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a)

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Frontage (feet)</u>	<u>Front Yard Depth (feet)</u>	<u>Side Yard Width (feet)</u>	<u>Rear Yard Depth (Feet)</u>
Non-Residential Uses	10,000	None	25	None; except when adjoining an A or R District, then no less than 10 feet.	None; except when adjoining an A or R District, then no less than 10 feet.

- (b) Residential. Prohibited.
- (c) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-2	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 114-19. Passed 12-2-19.)

1159.06 COURTS.

Same as required in the A-1 District.

(Ord. 114-19. Passed 12-2-19.)

1159.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed a height of three stories or forty feet, which ever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

CHAPTER 1161

C-2A Central Business District Modified (Repealed)

(EDITOR'S NOTE: Former Chapter 1161 was repealed in its entirety by Ordinance 154-96, passed October 15, 1996.)

CHAPTER 1163

C-2B Central Business District Modified (Repealed)

(EDITOR'S NOTE: Former Chapter 1163 was repealed in its entirety by Ordinance 154-96, passed October 15, 1996.)

CHAPTER 1165

C-3 General Business District

- 1165.01 Principal permitted uses.
- 1165.02 Conditional uses.
- 1165.03 Accessory uses.
- 1165.04 Required conditions.
- 1165.05 Lot area, frontage and yard requirements.
- 1165.06 Courts.
- 1165.07 Height Regulations.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180
Trailer parks - see P. & Z. Ch. 1185
Signs - see P. & Z. Ch. 1187
Service stations; garages - see P. & Z. Ch. 1189
Nonconforming uses - see P. & Z. Ch. 1198

1165.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-2 District except as modified herein.
- (b) Retail and Service. Laundries, clothes cleaning or dyeing establishments, used merchandise stores.
- (c) Wholesale. Any wholesale business and mail order houses, including incidental warehousing; commercial greenhouses.
- (d) Motor Vehicle Fuel Dispensing Facility.
- (e) Animal Hospital, Veterinary Clinic. Animal hospitals, kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosure or building in which the animals are kept shall be at least one hundred feet from any A or R District and at least fifty feet from any other C District. Exercise runs shall be enclosed on four sides by an unpierced well-maintained fence or wall at least six feet in height.
- (f) Commercial Recreation Facility.
- (g) Building and Related Trade. Carpenter shops, electrical, plumbing, paint shops, heating and tin shops, paper-hanging shops, furniture upholstery and similar enterprises, but not within fifty feet of any A or R District.
- (h) Bottling Works. Bottling of soft drinks or milk and distribution stations therefor, providing a building used for such processing and/or distribution, shall be at least 100 feet from any A or R District.
- (i) Signs. As regulated and defined in Chapter 1187.
- (j) Drive-Thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29).
- (k) Car Washes.

(Ord. 114-19. Passed 12-2-19.)

1165.02 CONDITIONAL USES.

- (a) General. All conditional uses as permitted and as regulated in the C-2 District, except as modified herein.
- (b) Trailer Park. Subject to the provisions of Chapter 1185.
- (c) Warehousing Storage and Trucking Terminal. Warehouses for the storage of merchandise and materials, trucking or motor freight stations or terminals, carting, expressing or hauling establishments, contractor and building material yards, providing no such uses are conducted within 200 feet of any A or R District.
- (d) Laboratory. Experimental film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (e) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products, such as:

- (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and meat products except fish, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
- (2) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
- (3) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
- (4) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

(f) Public Utility. Public utility buildings and structures including storage yards.

(g) Self-Service Car Washes.

(h) Residential. One residential use only where such use is incidental to a principal permitted use.

(i) Other Uses. Any other use which is determined by the Commission to be of the same general character as the above permitted uses, but not including junk yards or any use other than those above, which is first permitted in the M-1 District or which is prohibited in the M-1 District. (Ord. 94-84. Passed 7-9-84.)

(j) Sexually Oriented Businesses. Sexually oriented businesses may be permitted as conditional uses, subject to the following specific conditions:

(1) No sexually oriented business shall be located within a radius of 1,000 feet of any residentially zoned or used property.

(2) No sexually oriented business shall be located within a radius of 1,000 feet of any church, synagogue, permanently established place of worship, school, library, park or public playground.

(3) No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business and no building, premises, structure or other facility that contains any sexually oriented business shall contain any other kind of sexually oriented business.

(4) Distances for purposes of this subsection shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies" and includes both property in the City of Fairfield and in any other political subdivision.

(k) Flea Markets. Subject to the following required conditions:

(1) No outdoor sales, display or storage.

(2) Compliance with all Building Code requirements including submission and approval of a proposed plan showing aisles and emergency ingress and egress.

(3) Only one special event sign as defined and regulated in subsection 1187.03(i) shall be permitted.

(l) Motor Vehicle Sales Areas. May be located only on properties with principal street frontage on State Route 4 and located northwest of the intersection of State Route 4/Bypass 4/Ross Road, and subject to additional conditions as determined by the Planning Commission including, but not limited to:

(1) Ingress, egress and internal circulation.

(2) Sight distance and visibility.

(3) Setback of displays or storage from right-of-way, sidewalk or edge of pavement.

(4) Perimeter curbing, buffering, landscaping, parking lot striping and other similar aesthetic and/or safety requirements.

(5) Minimum lot size of one (1) acre and minimum principal street frontage on State Route 4 of 100 feet.

(6) Inoperable or junk motor vehicles, boats, recreational vehicles and trailers are not permitted on site. All repair and detailing beyond washing shall be completed in an enclosed building.

(m) Storage Shed or Barn, Carport or Play Structure Sales Areas. Subject to additional conditions as determined by the Planning Commission including, but not limited to:

(1) Ingress, egress and internal circulation.

(2) Sight distance and visibility.

(3) Setback of displays or storage from right-of-way, sidewalk or edge of pavement.

(4) Perimeter curbing, buffering, landscaping, lot coverage and other similar aesthetic and/or safety requirements.

(5) Coverage of all outdoor display areas with an asphalt or Portland cement binder pavement so as to provide a durable, dustless surface.

(n) Banquet Hall.

(o) Self-Service Storage Facility.

(p) Motor Vehicle Service Facility.

(q) Motor Vehicle Repair Garage.

(Ord. 114-19. Passed 12-2-19.)

1165.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including: Accessory uses and structures as permitted and as regulated in the C-2 District and such other accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any of the foregoing permitted C-3 uses. (Ord. 114-19. Passed 12-2-19.)

1165.04 REQUIRED CONDITIONS.

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste. (Ord. 94-84. Passed 7-9-84.)

- (a) Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for incidental display of merchandise, sale of motor vehicle fuel, lubricants and other fluids at service stations, loading and unloading operations, parking and such outdoor display or storage of vehicles, merchandise, materials and equipment as does not exceed five percent (5%) of the gross floor area of the principal permitted structure upon the lot or 5,000 square feet, whichever is less. The maximum height permitted is four feet measured from grade to top of display. The display must not interfere with any pedestrian or vehicular sight distance upon the site or any public thoroughfare.

Automobile and other motor vehicle sales, boat sales, outdoor recreation, recreational vehicle sales, manufactured housing sales, construction and farm equipment sales and rental, nursery sales and lumber sales in side and rear yards only are excluded from the requirements of this subsection. The Planning Commission may authorize incidental outdoor display or storage which it determines to be similar to or not more objectionable than those uses already excluded from the requirements of this subsection.

- (b) Night Operation. No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any A or R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any A or R District.
- (c) Facade Design. After March 31, 2011, all new structures on parcels which abut a regional thoroughfare as defined in the comprehensive plan may not use metal siding or "smooth face" concrete block as the exterior finish material on any facade facing the regional thoroughfare. (Ord. 114-19. Passed 12-2-19.)

1165.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Frontage (Feet)</u>	<u>Front Yard Depth (Feet)</u>	<u>Side Yard Width (feet)</u>	<u>Rear Yard Depth (Feet)</u>
(a) Nonresidential Uses	10,000	None	20	None; except when adjoining A or R Districts, then not less than 25 feet.	None; except when adjoining A or R Districts, then not less than 25 feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-3	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 114-19. Passed 12-2-19.)

1165.06 COURTS.

Same as required in the A-1 District. (Ord. 114-19. Passed 12-2-19.)

1165.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed three stories or fifty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 114-19. Passed 12-2-19.)

CHAPTER 1167

C-3A General Business District Modified

- 1167.01 Principal permitted uses.
- 1167.02 Conditional uses.
- 1167.03 Accessory uses.
- 1167.04 Required conditions.
- 1167.05 Lot area, frontage and yard requirements.
- 1167.06 Courts.
- 1167.07 Height regulations.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180
 Signs - see P. & Z. Ch. 1187
 Nonconforming uses - see P. & Z. Ch. 1198

1167.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-3 District, except as modified herein.

(b) Retail and Service. Hotels, motels, day care centers.
(Ord. 94-84. Passed 7-9-84.)

1167.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission: All conditional uses permitted and as regulated in the C-3 District, except as modified herein and except that trailer parks are not permitted.

(Ord. 94-84. Passed 7-9-84.)

1167.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

(a) General. Accessory uses and structures as permitted and as regulated in the C-2 District, as well as accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any of the foregoing permitted C-3A uses.

(b) Signs. As regulated and defined in Chapter 1187.

(Ord. 94-84. Passed 7-9-84.)

1167.04 REQUIRED CONDITIONS.

All conditions as specified for the C-3 District.

(Ord. 94-84. Passed 7-9-84.)

1167.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot Frontage</u> (Feet)	<u>Front Yard</u> <u>Depth (Feet)</u>	<u>Side Yard</u> <u>Width (Feet)</u>	<u>Rear Yard</u> <u>Depth (Feet)</u>
(a) Nonresidential Uses	10,000	60	60*	None; except when adjoining A or R Districts, then not less than 25 feet.	None; except when adjoining A or R Districts, then not less than 25 feet.

* Along primary and regional thoroughfares; otherwise twenty feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal</u> <u>Dimension)</u>	<u>Screening (Vertical Screen</u> <u>Dimension)</u>
C-3A	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 94-84. Passed 7-9-84.)

1167.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1167.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed three stories or fifty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1168

D-1 Downtown District

- 1168.01 Purpose.
- 1168.02 Principal permitted uses.
- 1168.03 Conditional uses.
- 1168.04 Accessory uses.
- 1168.05 Prohibited uses.
- 1168.06 Required conditions.
- 1168.07 Lot area, frontage, height regulations and yard requirements.
- 1168.08 Courts.

- 1168.09 Application of D-1 requirements.
- 1168.10 Design review guidelines.
- 1168.11 Design requirements.
- 1168.12 Procedure.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180
 Signs - see P. & Z. Ch. 1187
 Service stations; garages - see P. & Z. Ch. 1189
 Nonconforming uses - see P. & Z. Ch. 1198
 Off-street parking and loading - see P. & Z. Ch. 1183
 Underground electric and lighting - see P. & Z. Ch. 1125
 Sidewalks - see P. & Z. Ch. 1184

1168.01 PURPOSE.

The purpose of the Downtown District is to provide for a high quality, secure, visually interesting, architecturally integrated, comfortable and convenient environment that can attract a high volume of pedestrian activity in a strong cultural, institution, office and commercial presence. The D-1 District regulations and Design Guidelines for the D-1 District shall ensure the desired quality development.

(Ord. 114-19. Passed 12-2-19.)

1168.02 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.
- (b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.
- (c) Office. Business and/or professional offices; office buildings.
- (d) Financial. Banks, savings and loans and other similar financial organizations with or without drive-through facilities.
- (e) Restaurants. Restaurants without drive-through facilities.
- (f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration; photographic studios, dancing studios, radio and telecasting studios and the like.
- (g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.

(Ord. 114-19. Passed 12-2-19.)

1168.03 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Restaurants. Restaurants as defined in Section 1133.01(70.1).
- (b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.
- (c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.
- (d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29) except bank drive-thru facilities which are a principal permitted use. This is defined as an operation where transfer of goods and services to the customer is designed to be done while the customer remains in the vehicle.
- (e) Institutional. Schools and colleges for academic instruction, churches, and church schools.
- (f) Fruit and Vegetable Stores.
- (g) Entertainment. Night clubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises, but not within 100 feet of any R District and subject to all applicable regulations and such permits as may be required by law.
- (h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.
- (i) Motor Vehicle Fuel Dispensing Facility.
- (j) Motor Vehicle Service Facility.
- (k) Day Care Center.
- (l) Clinic.

(Ord. 114-19. Passed 12-2-19.)

1168.04 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted but shall be complimentary to the main building and surrounding properties. Additionally, accessory uses shall be permitted in conjunction with the following:

- (a) General. Accessory uses and structures as permitted and as regulated in the C-1 District, as well as accessory uses and structures not otherwise prohibited customarily accessory and incidental to any of the foregoing permitted C-2 uses.
- (b) More than one building may be located upon the lot, but only when such buildings conform to all open space requirements around the lot.
- (c) Grading, filling, excavating or any change in the grade or property that involves the moving, depletion or replacement of more than 100 cubic yards of material or changes the existing elevation by more than one foot requires approval of the Design Review Committee. At no time shall any grading be detrimental to surrounding property in appearance or in the

diversion of storm water drainage.

(Ord. 130-94. Passed 9-26-94.)

(d) Signage shall adhere to the Design Guidelines and is subject to review and written recommendation by the Design Review Committee and approval by the Planning Commission.

(Ord. 154-96. Passed 10-15-96.)

1168.05 PROHIBITED USES.

Residential except as provided for in Chapter 1198.

(Ord. 130-94. Passed 9-26-94.)

1168.06 REQUIRED CONDITIONS.

All conditions as specified for the C-1 District, except for new merchandise in the case of art and antique shops. There is no maximum use size.

(Ord. 130-94. Passed 9-26-94.)

1168.07 LOT AREA, FRONTAGE, HEIGHT REGULATIONS AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a) Lots legally existing at the time of application of this chapter to such lots shall be considered legal conforming lots and shall not be classified as nonconforming use. Lots created subsequent to the application of this chapter to the property must conform to the provisions of this chapter.

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot Frontage</u> (Feet)	<u>Front Yard</u> <u>Depth (Feet)</u>	<u>Side Yard Width</u> (Feet)	<u>Rear Yard Depth</u> (Feet)
Nonresidential uses	10,000	75	25	None; except when adjoining an A or R District; then no less than ten feet.	None; except when adjoining an A or R District; then no less than ten feet.
<u>Residential</u>	Prohibited				

Screening and Buffering

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal</u> <u>Dimension)</u>	<u>Screening (Vertical Screen</u> <u>Dimension)</u>
D-1	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(b) Height Regulations. No principal or accessory structure shall exceed a height of three stories or forty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-16. Passed 10-24-16.)

1168.08 COURTS.

Same as required in the A-1 District. (Ord. 130-94. Passed 9-26-94.)

1168.09 APPLICATION OF D-1 REQUIREMENTS.

(a) The design requirements set forth for the D-1 District shall apply to both existing structures and new construction as provided herein.

(b) New Structures. New development and/or construction must adhere to the D-1 zoning and design requirements from the project's inception and at all times thereafter.

(c) Existing Structures.

- (1) Any change in land use or enlargement, reconstruction, structural alteration, remodeling or major repair respecting at least thirty-three percent (33%) of visible exterior portions of any existing building or lot in the D-1 District shall comply with the Zoning Ordinance provisions for D-1 and the accompanying guidelines for D-1 as to the portions of the building or lot which are changed.
- (2) Existing lots and structures which at the time of adoption of the D-1 District are nonconforming by reason of noncompliance with the provisions of this chapter shall be classified as legally conforming and shall appeal to the Design Review Committee in the event of building or structure damage more than sixty percent (60%) of its fair market value. The damage, exclusive of foundations, may include fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God. The building or structure may be restored and/or reconstructed with the review and written recommendation of the Design Review Committee and approval of the Planning Commission which may

waive specific guidelines in order to permit a nonconforming lot.

(Ord. 123-18. Passed 12-3-18.)

1168.10 DESIGN REVIEW GUIDELINES.

(a) Reasonable additional requirements as to landscaping, lighting, signs or other advertising devices, screening, accessways, building placement, building setback and height limitations may be imposed by the Design Review Committee for the protection of adjoining property and to maintain a consistent Town Center image. (Ord. 130-94. Passed 9-26-94.)

(b) Particular attention shall be made to assure architectural style and quality, roof structures, exterior colors, building materials, and other features are compatible with the Design Guidelines which are in the Town Center Development Plan. Unless approved otherwise by the Planning Commission, earth tone exterior colors shall prevail in Town Center buildings and other exterior components. As provided for within the Design Review Guidelines, the Committee will review plans to assure that the objectives of the Design Guidelines are achieved.

(Ord. 154-96. Passed 10-15-96.)

(c) The Design Review Committee will evaluate projects on the following criteria:

- (1) Site design.
- (2) Architectural character.
- (3) Materials and color.
- (4) Ingress, egress and parking.
- (5) Landscaping.
- (6) Screening and buffering.
- (7) Signage.
- (8) Exterior lighting.

(d) All building elevation drawings, site plans, exterior material and color palates, signs and landscape plans must be reviewed by the Design Review Committee. The Design Review Committee, when reviewing plans, shall have at their disposal an architect registered in the State of Ohio to be of assistance where necessary.

(Ord. 130-94. Passed 9-26-94.)

1168.11 DESIGN REQUIREMENTS.

This chapter which creates the D-1 District empowers the Planning Commission with the authority to adopt the Design Guidelines that are consistent with these site requirements. Guidelines shall be created, altered and/or discontinued as determined by the Commission. Furthermore, the Design Review Committee may use flexibility in interpreting the requirements of the Design Guidelines provided, however, that the guidelines shall be met unless compliance therewith creates an undue hardship. The following requirements shall be accompanied by the specific Design Guidelines for the D-1 District which are found in the Town Center Development Plan:

(a) Architectural Character.

- (1) Facade organization. All sides, including the rear elevation, of a building shall be treated as a front elevation by continuing the same colors, materials and detailing to all sides.
- (2) Storefronts. Storefronts play an integral part in the establishment of a building's character. The storefront of a structure must have a consistent sign frieze and window display.

(Ord. 130-94. Passed 4-26-94.)

- (3) Roofs. Although the preferred roof types are gable and hip, the other roof types may be permitted on a case by case basis.
- (4) Materials. The building materials must consist of quality material such as brick, wood, stone, masonry, vinyl siding and similar materials.

(Ord. 154-96. Passed 10-15-96.)

- (5) Colors. Colors must be natural. Bright primary type colors will be permitted only for accent or trim purposes.

(Ord. 130-94. Passed 9-26-94.)

(b) Site Design.

- (1) Ingress and egress. Curb cuts are limited to one per lot with a width not to exceed 35 feet. Only under special circumstances shall such requirements be altered.
- (2) Parking. All parking lots shall contain a landscaped area equal to five percent (5%) of the entire parking lot. The area shall contain shrubs, flowers, trees and grass. Parking lots shall be screened from the street. A required front yard of five feet shall be placed between the sidewalk and the parking or the proposed location of a sidewalk and the parking lot. In the case where landscaping requirements shall interfere with the parking requirements of Chapter 1183, flexibility in the landscaping requirement may be permitted. (Ord. 154-96. Passed 10-15-96.)
- (3) Loading requirements. All loading docks must be screened.
- (4) Landscaping. Any part of a lot not used for buildings or other structures or for roads, walks, parking, service areas or other accessways shall be landscaped with grass, trees, shrubs or other ground cover.
- (5) Pedestrian circulation. Access for pedestrian circulation is required. Parking spaces must be connected to the building and the building must be connected to the public sidewalk.
- (6) Buffering/screening. Screening and buffering shall be provided along the common property line separating all agriculture and residential districts from the D-1 District.

Provisions for construction of the buffer shall be the responsibility of the property owner or developer introducing the construction within the D-1 zone. (Ord. 130-94. Passed 9-26-94.)

- (7) Signage. Signs generally as permitted in Section 1187.07(d) but as approved by the Planning Commission. Roof signs shall not be permitted. Signs in the Town Center should add to a rich character, not detract from the individual properties or the area as a whole.

(Ord. 154-96. Passed 10-15-96.)

(8) Lighting. Project lighting must not interfere with the site layout. Lighting must be compatible with project design.

(Ord. 130-94. Passed 9-26-94.)

1168.12 PROCEDURE.

(a) The provisions of any other part of these Codified Ordinances notwithstanding, before the issuance of any building permit or zoning certificate, the Design Review Committee shall review the plans to ensure that the proposed project complies with the Design Guidelines set forth in this chapter. The Design Review Committee shall have the power and authority to approve signage and minor modifications to existing structures/developments. A modification shall be considered a minor modification when less than thirty-three percent (33%) of the visible exterior is altered, changed or enlarged. The Design Review Committee, at its discretion, may defer its decision on signage and/or a minor modification and recommend their findings of a project review for signage and minor modifications to the Planning Commission for its decision.

The Design Review Committee shall recommend to the Planning Commission their findings of a project review for new construction and major modifications to existing structures/developments. Modifications shall be considered major when thirty-three percent (33%) or greater of the visible exterior is altered, changed or enlarged. They may recommend alternatives or modifications to a plan. The Planning Commission shall review THESE plans detailing the matters described in this chapter to determine compliance with the provisions of this chapter and to fulfill the purposes stated in Section 1168.01.

(b) The Design Review Committee shall have thirty days in order to accomplish the review required. The Committee shall have thirty days after the plans are submitted to the Development Services Department to review the plans for guideline compliance.

(Ord. 123-18. Passed 12-3-18.)

(c) There shall be created a Design Review Committee consisting of nine members to be determined as follows:

- (1) One member shall be appointed by a majority vote of Council from among its membership. Such member may be removed from the Committee, without cause, by a majority vote of the Council members;
- (2) One member shall be appointed by a majority vote of the Planning Commission from among its members. Such member may be removed from the Committee, without cause, by a majority vote of the Planning Commission;
- (3) One member shall be the Director of the Development Services Department, or a staff representative appointed by the Development Services Director;
- (4) One member shall be the City's Building Division Superintendent;
- (5) One member shall be an elector at large. This member shall be appointed by City Council. Such member shall have no financial interests to D-1, Downtown District businesses or residences. The elector at large member shall serve for a two year term.
- (6) Two members shall be business owners or operators from the D-1, Downtown District. These members shall be appointed by City Council. The D-1, Downtown District business members shall serve for overlapping terms of two years each.
- (7) Two members shall be business owners or operators from the D-1, Downtown District or shall be electors at large. These members shall be appointed by City Council. The D-1, Downtown District business members shall serve overlapping terms of two years each.

(Ord. 94-16. Passed 10-24-16.)

(d) Appeals.

- (1) Appeals to Planning Commission. An appeal of any decision of the Design Review Committee to the Planning Commission may be taken by any owner, developer or occupant who is aggrieved or affected by any decision of the Design Review Committee under this section. Such appeal shall be perfected by filing a written notice of such appeal with the Development Services Department within fourteen days after the date upon which the Design Review Committee made the decision at a meeting. The Planning Commission may reverse, affirm or modify the decision of the Design Review Committee within sixty days after the filing of the notice of appeal with the development services department.
- (2) Appeals to City Council. An appeal of any decision of the Planning Commission under this section to City Council may be taken by any owner, developer or occupant who is aggrieved or affected by any decision of the Planning Commission. Such appeal shall be perfected by filing a written notice of such appeal with the Clerk of Council within fourteen days after the date upon which the Planning Commission made the decision at a meeting. The City Council may reverse, affirm or modify the decision of the Planning Commission within sixty days after the filing of the notice of appeal with the Clerk of Council. The decision of City Council shall be final and as a legislative decision shall not be subject to further appeal.

(Ord. 123-18. Passed 12-3-18.)

CHAPTER 1169

M-1 Industrial Park District

- 1169.01 Principal permitted uses.
- 1169.02 Conditional uses.
- 1169.03 Accessory uses.
- 1169.04 Required conditions.
- 1169.05 Prohibited uses.

- 1169.06 Lot area, frontage and yard requirements.
1169.07 Height regulations.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180
Off-street loading and parking - see P. & Z. Ch. 1183
Signs - see P. & Z. Ch. 1187
Nonconforming uses - see P. & Z. Ch. 1198

1169.01 PRINCIPAL PERMITTED USES.

No building, structure, or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) Warehousing for Storage, Wholesale or Distribution and Trucking Terminal. Warehouses for the storage, wholesale or distribution of merchandise and materials, manufactured products, supplies, equipment and trucking or motor freight stations or terminals, carting, expressing or hauling establishments, contractor and building material yards, providing no such uses are conducted within 200 feet of any A or R District.

(Ord. 123-18. Passed 12-3-18.)

- (b) Laboratory. Experimental film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.

- (c) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products, such as:

- (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and meat products, except fish, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
- (2) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, except where presses over twenty tons rated capacity are employed, shell, textiles, tobacco, wax, wood, except where saw and planing mills are employed, yarns.
- (3) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
- (4) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
- (5) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

- (d) Public Utility. Public utility buildings and structures, including storage yards.

(Ord. 114-19. Passed 12-2-19.)

1169.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Foundry. Casting of lightweight nonferrous metals for electric foundry not causing noxious or offensive conditions.

- (b) Heliport. As restricted by the Federal Aviation Authority.

- (c) Retail and Service. Any retail business or service establishment determined by the Commission to have been clearly demonstrated as necessary to serve the needs of the industrial park area, including restaurants, cocktail lounges, motels, banks and business or professional offices.

- (d) Motor Vehicle Repair Garage.

- (e) Motor Vehicle Storage Yard.

(Ord. 114-19. Passed 12-2-19.)

1169.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of Chapter 1183.

Signs. As regulated and defined in Chapter 1187.

(Ord. 114-19. Passed 12-2-19.)

1169.04 REQUIRED CONDITIONS.

Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for loading and unloading operations and accessory off-street parking.

(Ord. 114-19. Passed 12-2-19.)

1169.05 PROHIBITED USES.

- (a) Dwelling. Dwellings and residences of any kind; trailer parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-1 District at the time of the adoption of the Zoning Ordinance or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1133.01(a)(64) and shall not be subject to the provisions of Chapter 1198.

- (b) Offensive Uses. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of the Zoning Ordinance and any additional conditions or requirements prescribed by the Planning Commission is, or may become, hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water carried waste.

(Ord. 114-19. Passed 12-2-19.)

1169.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a) Nonresidential Use.

(1) Front yard. The minimum required front yard shall be fifty feet. A strip adjacent to the front street lot line and having a minimum depth of twenty feet shall be appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways. The remainder of the front yard may be used for off-street automobile parking.

(2) Side yards.

A. The minimum required side yard shall be six feet; however, a designated fire lane fifteen feet wide shall be provided on one side of the building for interior lots. When adjoining an A or R District, the minimum required side yard shall be not less than fifty feet, of which fifteen feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.

B. Fire separations for high hazard buildings shall be in accord with Chapter 69 Industrial Buildings of the Ohio Building Code.

C. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along such street lines fifty feet from the point of intersection.

(b) Residential Use. Dwellings or other residential buildings are not permitted in M-1 District. Existing dwellings in case of reconstruction shall be the same as required in the R-1 District.

(c) Lot Area. The minimum lot area shall be 10,000 square feet.

(d) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
M-1	Industrial	30' adjoining R-3, R-4 40' adjoining R-0, R-1, R-2	6' adjoining A and R Districts

(Ord. 114-19. Passed 12-2-19.)

1169.07 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet in height, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 114-19. Passed 12-2-19.)

CHAPTER 1171

SE Suburban Entertainment District

1171.01 Purpose.

1171.02 Principal permitted uses.

1171.03 Conditional uses.

1171.04 Accessory uses.

1171.05 Required conditions.

1171.06 Lot area, frontage and yard requirements.

1171.07 Height regulations.

CROSS REFERENCES

Exceptions and modification - see P. & Z. Ch. 1180

Off-street loading and parking - see P. & Z. Ch. 1183

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1171.01 PURPOSE.

This zoning district is intended as a suburban entertainment district allowing destination type leisure uses and associated retail/service uses. This zoning district is intended for family entertainment for recreational/sporting and cultural venues. This zoning district allows for the development of destination uses which provide a mixture of visitor-oriented and resident destinations with an aim to encourage imaginative design and layout of commercial/entertainment facilities. Uses and facilities within this zoning district must be cohesively designed and developed around a consistent and comprehensive theme. This zoning district not permit sexually oriented businesses which are permitted and regulated by Chapter 1165.

(Ord. 31-03. Passed 3-10-03.)

1171.02 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

(a) Restaurants. As defined in Section 1133.01(37.1) and (70.1).

(b) Retail and Service. Art and antique shops, artisan galleries/sales. Artist supply stores, interior decorating shops, department stores, supermarkets, wine shops and other similar enterprises.

(c) Meeting Halls. Banquet halls, convention centers.

(d) Commercial Recreation Facility.

(e) Bowling Alleys.

(f) Sports Arenas.

(g) Theater/Cinemas. Including museums and centers for the arts.

(h) Motels. Hotels and lodges.

- (i) Essential Services. Including transportation related facilities.
- (j) Exterior Uses. Outdoor amusement rides and entertainment displays.
(Ord. 31-03. Passed 3-10-03.)

1171.03 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission:

- (a) Night clubs, bars, taverns.
- (b) Game rooms including computerized entertainment including laser and virtual simulated entertainment.
- (c) Billiard parlors, pool halls.
- (d) Teen clubs, teen dance facilities, teen social clubs.
- (e) Other Uses. Any other use which is determined by the Commission to be of the same general character as the above stated uses or have been demonstrated as necessary to serve the needs of the above specified permitted or conditional uses, and which comply with the intent of this Chapter as stated in Section 1171.01.

(Ord. 31-03. Passed 3-10-03.)

- (f) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

1171.04 ACCESSORY USES.

- (a) Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including off- street parking facilities subject to the provisions of Chapter 1183.
- (b) Signs as permitted in Chapter 1187.

(Ord. 31-03. Passed 3-10-03.)

1171.05 REQUIRED CONDITIONS.

- (a) Offensive Uses. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of the Zoning Ordinance and any additional conditions or requirements prescribed by the Planning Commission is, or may become, hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water carried waste.

- (b) Off-Street Loading. No on-street loading shall be permitted. At least one off- street loading space shall be provided contiguous to every building. Required walls or fences shall screen the loading area.

(Ord. 31-03. Passed 3-10-03.)

1171.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

- (a) Permitted and Conditional Uses.
 - (1) Front yard. The minimum required front yard shall be fifty feet for buildings. Off-street parking, essential services, sign structures and transportation facilities area excluded from the subsection.
 - (2) Side and rear yards.
 - A. The minimum required side yard shall be twenty feet. When adjoining an A or R district, the minimum required side yard shall be not less than fifty feet. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated, vehicular and utility accessways.
 - B. A minimum rear yard of twenty feet is required. When adjoining an A or R district, the minimum required rear yard shall be not less than fifty feet.
 - C. Designated fire lanes twenty feet in width shall be provided as required by the fire official.
- (b) Residential Use. Dwellings or other residential buildings are not permitted in the SE District.
- (c) Lot Area. The minimum lot area shall be 10,000 square feet.
- (d) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
Suburban Entertainment	Retail/Entertainment	Determined by Planning Commission when adjoining an A or R District. Otherwise, 40'.	Determined by Planning Commission when adjoining an A or R District. Otherwise, 6'.

- (e) Lot Frontage. The minimum lot frontage shall be 100 feet.
(Ord. 31-03. Passed 3-10-03.)

1171.07 HEIGHT REGULATIONS.

No structure shall exceed three stories or fifty feet in height whichever is less, except as provided in Section 1180.02, and except when expressly authorized as a conditional use by the Planning Commission. This section does not apply to signs as regulated in Chapter 1187.
(Ord. 29-00. Passed 3-13-00.)

CHAPTER 1172

(ST) Service Transition Commercial/Industrial

- 1172.01 Purpose.
- 1172.02 Principal permitted uses.
- 1172.03 Conditional uses.
- 1172.04 Accessory uses.
- 1172.05 Required conditions.
- 1172.06 Lot area, frontage and yard requirements.

CROSS REFERENCES

Exceptions and modification - see P. & Z. Ch. 1180

Off-street loading and parking - see P. & Z. Ch. 1183

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1172.01 PURPOSE.

This zone is intended to be used as a buffer for light and heavy industrial areas between residential areas, or in locations which are served by major thoroughfares, but are not feasible for light or heavy industrial developments because of proximity to residential and other uses, which require a controlled type of industrial or commercial use. For this reason development is limited to a low concentration of use, and permitted uses are confined to those administrative, wholesaling, commercial and manufacturing activities that can be carried on in an unobtrusive manner and to certain facilities that are necessary to serve employees in the district.

(Ord. 77-93. Passed 6-14-93.)

1172.02 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

(a) Dispensary or clinic if on the premises of and clearly incidental to any business, trade or industry.

(b) Manufacturing, assembling, packaging and production of products which have a high value in relation to bulk, from materials, or parts previously produced or processed elsewhere, including the following:

(1) Pharmaceutical products,

(2) Musical instruments,

(3) Photographic, audio and/or video equipment,

(4) Jewelry, silverware, watches, clocks and similar timing devices,

(5) Scientific and precision instruments, including but not limited to medical, dental, optical and drafting instruments, and

(6) Electronic or electrical component products, including, but not limited to, business machines, computers, telephone, radio and similar devices.

(c) Manufacturing, compounding, packaging, assembling or treatment of articles or merchandise from the following previously prepared materials: canvas, cloth, feathers, felt, leather, paper, textiles.

(d) Manufacturing, compounding, packaging, assembling or treatment of: glass, pottery or other similar ceramic products (using only previously prepared sand or pulverized clay and kilns fired only by electricity or gas), toys, novelties, light metal products.

(e) Laundry, cleaning or dyeing works, carpet and rug cleaning.

(f) Distribution plant of ice and cold storage plant, beverage bottling plant.

(g) Wholesale business, storage building or warehouse.

(h) Retail sales in conjunction with wholesaling, storage warehousing and permitted manufacturing, provided that the retail sales area shall occupy no more than twenty-five percent (25%) of the total floor area.

(i) Administrative, engineering, scientific research, design or experimentation facility, assaying of ore by laboratory methods and such processing and fabrication as may be necessary thereto.

(j) The following businesses are permitted, providing that such use serves primarily the transition uses:

(1) Banks and financial institutions.

(2) Blueprinting and photo copying.

(3) Business, research and professional offices.

(4) Motels, hotels.

(5) Printing, lithographing, publishing.

(6) Restaurants (not including drive-in restaurants).

(7) Automobile rental (no sales).

(k) The following if conducted wholly within a completely enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six feet nor more than eight feet in height: water utility, telephone or telegraph distribution installation, electrical and gas receiving or distribution station.

(Ord. 77-93. Passed 6-14-93.)

1172.03 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission:

(a) Retail and Service. Any retail business or service establishment determined by the Planning Commission to be of similar character or compatible to the above principal permitted uses.

(Ord. 77-93. Passed 6-14-93.)

(b) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy. (Ord. 98-10. Passed 11-8-10.)

1172.04 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of Chapter 1183.

Signs. As regulated and permitted in Chapter 1187.07(a).

(Ord. 77-93. Passed 6-14-93.)

1172.05 REQUIRED CONDITIONS.

(a) Offensive Uses. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of the Zoning Ordinance and any additional conditions or requirements prescribed by the Planning Commission is, or may become, hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water carried waste. Furthermore, an offensive use is considered such both on and off site.

(b) Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for loading and unloading operations and accessory off-street parking, which shall be screened when adjacent to an A or R district.

(c) Off-Street Loading. No on-street loading shall be permitted. At least one off-street loading space shall be provided contiguous to every building. Required walls or fences shall screen the loading area.

(d) Night Operation. No building customarily used for night operation shall have any opening, other than stationary windows and required exits, within 200 feet of an A or R district. Additionally, no space used for loading or unloading vehicles in connection with such an operation shall be located within 200 feet of an A or R district.

(Ord. 77-93. Passed 6-14-93.)

1172.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a) Permitted and Conditional Uses.

(1) Front yard. The minimum required front yard shall be fifty feet. A strip adjacent to the front street lot line and having a minimum depth of twenty feet shall be appropriately landscaped, the minimum requirement of which is grass and shrubbery, and maintained except for designated pedestrian, vehicular and utility accessways. The remainder of the front yard may be used for off-street automobile parking.

(2) Side and rear yards.

A. The minimum required side yard shall be fifteen feet; however, a designated fire lane twenty feet wide shall be provided around the building for interior lots. When adjoining an A or R district, the minimum required side yard shall be not less than fifty feet, of which twenty feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.

B. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along such street lines fifty feet from the point of intersection.

C. A minimum rear yard of fifteen feet is required. A fire lane of twenty feet wide is required around the building. When adjoining an A or R district, the minimum required rear yard shall be not less than fifty feet.

(b) Residential Use. Dwellings or other residential buildings are not permitted in the ST District. Existing dwellings in case of reconstruction shall be the same as required in the R-1 District.

(c) Lot Area. The minimum lot area shall be 10,000 square feet.

(d) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
Service Transition	Industrial	40' adjoining A-1, R-0, R-1, R-2, R-3, R-4	6' adjoining A and R District

(e) Lot Frontage. The minimum lot frontage shall be 100 feet.

(Ord. 77-93. Passed 6-14-93.)

1172.07 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet in height, except as provided in Section 1180.02, and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 77-93. Passed 6-14-93.)

CHAPTER 1173

M-2 General Industrial District

1173.01 Principal permitted uses.

1173.02 Conditional uses.

1173.03 Accessory uses.

1173.04 Required conditions.

1173.05 Prohibited uses.

1173.06 Height regulations.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1173.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

(a) General. All uses permitted and as regulated in the M-1 District, except as modified herein.

(b) Uses 100 Feet From A or R District. The following uses are permitted provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any A or R District.

(1) Blacksmith, welding or other metal working shop, excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine operated tools; machine shops.

(2) Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.

(3) Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

(4) Ice manufacturing and cold storage plant; creamery or bottling plant.

(c) Uses 200 Feet From A or R District. The following uses are permitted when located not less than 200 feet from any A or R District:

(1) Inflammable liquids, underground storage only, not to exceed 25,000 gallons.

(2) Building material sales yards, including concrete mixing, lumber yards including millwork, open yards for storage, sale of feed and/or fuel and contractors' equipment storage.

(d) Public Utility. Public utility buildings and structures.

(e) Signs. As regulated and defined in Chapter 1187.

(f) Uses 300 Feet From A or R District. The following uses are permitted when located not less than 300 feet from any A or R District and not less than 100 feet from any other district:

Acetylene manufacturing in excess of fifteen pounds pressure per square inch.

Acid manufacturing, except as specified as a conditional use in Section 1165.02.

Asbestos manufacturing.

Automobile assembly.

Bleaching, cleaning and dyeing plant of large scale production.

Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty tons rated capacity.

Candle or sperm oil manufacturing.

Coal yards.

Cooperage works.

Dextrine, starch or glucose manufacturing.

Disinfectant, insecticide or poison manufacturing.

Dye and dyestuffs manufacture.

Emery cloth or sandpaper manufacturing.

Enameling, lacquering or japanning.

Felt manufacturing.

Flour or grain mill.

Forge or foundry works.

Gas, generation or storage for illumination or heating.

Grain drying or poultry feed manufacturing from refuse, mash or grain.

Hair or hair products manufacturing.

Lime or lime products manufacturing.

Linoleum, oilcloth or oiled goods manufacturing.

Match manufacturing.

Meat packing; but not stockyards or slaughterhouses, specified as a conditional use in Section 1165.02.

Oil, paint, shellac, turpentine, varnish or enamel.

Paper and pulp manufacturing.

Perfume manufacturing.

Pickle, sauerkraut or sausage manufacturing.

Plaster manufacturing.

Poultry slaughterhouse, including packing and storage for wholesale.

Printing ink manufacturing.

Radium extraction.

Sandblasting or cutting.

Sawmill, the manufacture of excelsior, wood fiber or sawdust products.

Sewage disposal plant.

Shoddy manufacturing.

Shoe blacking or polish or stove polish manufacturing.

Soap manufacturing.

Steam power plant, except where accessory to a permitted principal use.

Stone and monument works employing power-drive tools.

Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper or clipping, including sorting, refining, baling, woodpulling and scouring.

Sugar refining.

Tar or asphalt roofing or waterproofing manufacturing.

Tar distillation or manufacturing.

Vinegar manufacturing.

Wire or rod drawing; nut, screw or bolt manufacturing.

Yeast manufacturing.

(Ord. 114-19. Passed 12-2-19.)

1173.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

(a) Generally. Any other use that is determined by the Commission to be of the same general character as the above permitted uses and is so regulated.

(b) Uses 500 Feet From A or R District. The following uses are permitted when located not less than 500 feet from any A or R District and not less than 200 feet from any other district and subject to such conditions and requirements as may, in the opinion of the Commission, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

Ammonia, chlorine or bleaching powder manufacture.

Animal black, lampblack, boneblack or graphite manufacture.

Celluloid or pyroxyline manufacturing or explosive or inflammable cellulose or pyroxyline products manufacture or storage.

Cement, lime, gypsum or plaster of Paris manufacture.

Crematory.

Creosote manufacture or treatment.

Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacture of gas.

Explosives manufacture or storage, except for small arms ammunition.

Fertilizer, compost; manufacture or storage.

Fish curing, smoking or packing, fish oil manufacture or refining.

Garbage, offal, dead animals, refuse, rancid fats; incineration, reduction or storage.

Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal refuse or offal.

Hogfarm.

Junkyards.

Livestock feeding yard.

Motor vehicle storage yard.

Petroleum or inflammable liquids production, refining and storage above ground.

Rubber, caoutchouc or gutta-percha manufacture and treatment from crude or scrap material or the manufacture of balata.

Slaughtering of animals or stockyards.

Smelting of ferrous or nonferrous ores.

Storage, curing or tanning of raw, green or salted hides or skins.

Sulphurous, sulphuric, nitric, picric, carbolic or hydrochloric or other corrosive acid manufacture.

Any other use, which in the opinion of the Commission, is of a similar character as those specified above.

(c) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.

(d) Self-service Storage Facility.

(e) Motor Vehicle Repair Garage.

(Ord. 114-19. Passed 12-2-19.)

1173.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily accessory and incidental to any principal permitted or conditional use shall be permitted in conjunction with such use. (Ord. 114-19. Passed 12-2-19.)

1173.04 REQUIRED CONDITIONS.

(a) Enclosure Not Required. Any use may be conducted in the M-2 District within or without a building or enclosure, subject only to distance requirements where applicable.

(b) Junkyards. All junkyards shall be enclosed by a well maintained solid board fence or wall not less than eight feet high. (Ord. 114-19. Passed 12-2-19.)

1173.05 PROHIBITED USES.

Same as specified in the M-1 District. (Ord. 114-19. Passed 12-2-19.)

1173.06 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet in height and no structure in any case shall exceed in height the distance measured to the centerline of any adjoining street; except as provided in Section 1180.02. (Ord. 114-19. Passed 12-2-19.)

1173.07 LOT AREA FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as otherwise provided in Sections 1180.03 and 1180.04.

(a) Nonresidential.

(1) Lot area. 10,000

(2) Lot frontage. None.

(3) Front yard depth. Thirty feet.

(4) Side yard depth. The minimum required side yard shall be six feet; however, a designated fire lane twenty feet wide shall be provided at the discretion of the Fire Chief or his designee after review of the applicable fire code. When adjoining an A or R District, the minimum required side yard shall be not less than fifty feet, of which twenty feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.

(5) Rear yard depth. A minimum rear yard of six feet is required. Fire separations for high hazard buildings shall be in accord with Chapter 69 Industrial Buildings of the Ohio Building Code. When adjoining an A or R District, the minimum required rear yard shall be not less than fifty feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
M-2	Industrial	30' adjoining R-3, R-4 40' adjoining R-0, R-1, R-2	6' adjoining A and R Districts

(Ord. 114-19. Passed 12-2-19.)

CHAPTER 1174

D-1A Downtown District Modified

- 1174.01 Principal permitted uses.
- 1174.02 Conditional uses.
- 1174.03 Accessory uses.
- 1174.04 Required conditions.
- 1174.05 Lot area, frontage, height regulations and yard requirements.
- 1174.06 Courts.
- 1174.07 Existing structures in D-1A.
- 1174.08 Design review guidelines.
- 1174.09 Design requirements.
- 1174.10 Procedure.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1174.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

(a) General. Any use permitted and as regulated in the D-1 District, except as modified herein and except that no residential uses are permitted.

(Ord. 46-95. Passed 4-24-95.)

1174.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission: All conditional uses permitted and as regulated in the D-1 District, except as modified herein.

(Ord. 46-95. Passed 4-24-95.)

1174.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

(a) General. Accessory uses and structures as permitted and as regulated in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.04 REQUIRED CONDITIONS.

All conditions as specified for the D-1 District, except for new merchandise in the case of art and antique shops.

(Ord. 46-95. Passed 4-24-95.)

1174.05 LOT AREA, FRONTAGE, HEIGHT REGULATIONS AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a) Lots legally existing at the time of application of this chapter to such lots shall be considered legal conforming lots and shall not be

classified as a nonconforming use. Lots created subsequent to the application of this chapter to the property must conform to the provisions of this chapter.

	<u>Lot Area</u> <u>(Sq.Ft.)</u>	<u>Lot Frontage</u> <u>(Feet)</u>	<u>Front Yard</u> <u>Depth (Feet)</u>	<u>Side Yard</u> <u>Width (Feet)</u>	<u>Rear Yard</u> <u>Depth (Feet)</u>
Non-residential uses	10,000	None	90	None; except when adjoining an A or R District; then no less than ten feet.	None; except when adjoining an A or R District; then no less than ten feet.

Screening and Buffering

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
D-1A	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(b) Residential. Prohibited.

(c) Height Regulations. No principal or accessory structure shall exceed a height of three stories or forty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-16. Passed 10-24-16.)

1174.06 COURTS.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.07 EXISTING STRUCTURES IN D-1A.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.08 DESIGN REVIEW GUIDELINES.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.09 DESIGN REQUIREMENTS.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

1174.10 PROCEDURE.

Same as required in the D-1 District.

(Ord. 46-95. Passed 4-24-95.)

CHAPTER 1175

M-2A General Industrial District Modified (Repealed)

EDITOR'S NOTE: Former Chapter 1175 was repealed in it's entirety by Ordinance 154-96, passed October 15, 1996.

CHAPTER 1177

B-1 Institutions and Office District

- 1177.01 Principal permitted uses.
- 1177.02 Conditional uses.
- 1177.03 Accessory uses.
- 1177.04 Required conditions.
- 1177.05 Prohibited uses.

- 1177.06 Height regulations.
1177.07 Lot area, frontage and yard requirements.
1177.08 Courts.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1177.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) General. It is the intention of this district to provide for uses which are medical, educational, civic, social, charitable, philanthropic or religious in nature and to permit such business uses which are compatible and in accord with the nature of such uses.
- (b) Essential Services. As defined in Section 1133.01(a)(36).
- (c) Institutional. Hospital, daycare center, health center, clinic and retirement center, but not including penal or criminal corrective institutions. Schools and colleges for academic instruction, libraries, seminaries, churches, including church schools, museums, art galleries or similar cultural facilities.
- (d) Offices. Medical and dental offices; offices in which the affairs of a business, professional, fraternal or social organization or branch of government are conducted. Banks, savings and loans and other similar financial organizations, including drive-thru facilities; offices of religious and public institutions.
(Ord. 94-84. Passed 7-9-84.)

1177.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Laboratories and Scientific Research Facilities. Facilities which are supporting uses for the above listed permitted uses.
- (b) Social Activities. Private or semiprivate clubs including lodges and fraternities.
- (c) Pharmacies. Dispensing and sale of medical drugs and related merchandise.
- (d) Other Uses. Any other use which is determined by the Commission to be of the same general character as the above stated uses or have been demonstrated as necessary to serve the needs of the above specified permitted or conditional uses, and which comply with the intent of this Chapter as stated in Section 1177.01(a).
- (e) Commercial and Noncommercial Recreational Facilities. Indoor commercial and noncommercial recreational facilities for handball and tennis, racquetball and other racquet sports, and indoor swimming pools, including indoor facilities for individual exercise which are incidental to such primary recreational facilities. (Ord. 94-84. Passed 7-9-84.)
- (f) Community Social Service Facilities. As defined in Section 1133.01(20.1), provided that such facility shall not be located closer than 1,500 feet, measured in any direction, from any other lot or parcel upon which another community social service facility is located.

(Ord. 156-92. Passed 12-14-92.)

1177.03 ACCESSORY USES.

- (a) General. Accessory uses, buildings or structures customarily incidental to any aforesaid principal permitted or conditional use shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of Chapter 1183.
- (b) Signs. As regulated and defined in Chapter 1187.

(Ord. 94-84. Passed 7-9-84.)

1177.04 REQUIRED CONDITIONS.

- (a) Access. Institutions shall have access to a primary thoroughfare as designated on the Thoroughfare Plan or a State or Federal highway.
- (b) Enclosed Buildings. All services or operations shall be conducted wholly within a completely enclosed building except for necessary off-street parking and loading facilities.
- (c) Exterior Display. Exterior display of goods and merchandise of any kind shall be prohibited.
- (d) Objectionable Uses. Processes and equipment employed shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, vibration, refuse matter or water carried waste.

(Ord. 94-84. Passed 7-9-84.)

1177.05 PROHIBITED USES.

- (a) Dwellings. Dwellings and residences of any kind, including trailer parks, but not to exclude retirement centers and institutional health facilities.
- (b) Industrial. Industrial uses are prohibited.

(Ord. 94-84. Passed 7-9-84.)

1177.06 HEIGHT REGULATIONS.

The height of any permitted building shall not exceed three stories or thirty-five feet in height, whichever is lower; however, this maximum height may be exceeded providing front, side and rear yards are increased by one foot for each foot of additional building height above the maximum specified height and as hereinafter limited. No building containing overnight sleeping accommodations such as retirement centers, hospitals, etc., may exceed a height of seventy-five feet. All other buildings not including overnight sleeping accommodations shall not exceed a height of ten stories or 110 feet whichever is lower, unless a greater height is permitted by conditional

use. (Ord. 94-84. Passed 7-9-84.)

1177.07 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180, however, the providing of deed parcels as defined in Section 1133.01 (a)(27) is permitted.

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot Frontage</u> (Feet)	<u>Front Yard</u> <u>Depth (Feet)</u>	<u>Side Yard Depth</u> (Feet)	<u>Rear Yard Depth</u> (Feet)
(a) Nonresidential	20,000	100	60*	None; except when adjoining an A or R District, then not less than twenty-five feet for structures under three stories or thirty-five feet and not less than 200 feet for structures over three stories or thirty-five feet in height with twenty-five feet of this yard to be preserved as a "buffer" as defined in Section 1131.01(12.1).	

*Along primary and regional thoroughfares; otherwise twenty feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal</u> <u>Dimension)</u>	<u>Screening (Vertical Screen</u> <u>Dimension)</u>
B-1	Non-residential	20' adjoining A and R Districts	6' adjoining A and R Districts

(c) More Than One Primary Structure on a Lot. When two or more separate structures are erected on the same lot of record, the required front, side and rear yards for that lot shall be computed as the greatest distance defined by applying the yard requirements of this section to each structure individually.

(Ord. 94-84. Passed 7-9-84.)

1177.08 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

CHAPTER 1179

C-4 Commercial Transition District

- 1179.01 Principal permitted uses.
- 1179.02 Conditional uses.
- 1179.03 Accessory uses.
- 1179.04 Required conditions.
- 1179.05 Lot area, frontage and yard requirements.

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Nonconforming uses - see P. & Z. Ch. 1198

1179.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 1198.

- (a) Residential. One family dwellings included rooming and boarding houses and tourist homes.
- (b) Institutional. Colleges, churches and church schools, libraries, museums, schools, seminaries, art galleries, day care centers and retirement centers.
- (c) Offices. Dental offices, banks, savings and loans, business and professional offices, government offices, religious and public institution offices, offices of interior decorators, architects and engineers.
- (d) Retail Businesses. Art and antique shops, art supply stores, dry goods and survival gear sales, furniture and appliance stores, florist, garden supply stores, hardware stores, paint stores, variety and dime stores and mail order stores.

- (e) Service Type Businesses. Barber shops, beauty parlors, dancing and art studios, drug stores and pharmacies, dry cleaning outlet stores, funeral parlors, paper hanging shops, photographic studios, publishing operations.
(Ord. 94-16. Passed 10-24-16.)

1179.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Service Type Businesses. Blueprinting, job printing, lithographic services, radio and television telecasting, trade and business schools, restaurants, plumbing shops and electric repair operations.
(b) Parking Facilities. Public parking area subject to the provisions of Chapters 1183 and 1189 .
(c) Public Utility Facility.
(d) Light Manufacturing. Production of goods on a limited basis, done by no more than two people, unless additional people are authorized by the Commission, as a craft or specialty trade and not to be a major production and distribution operation. This may include production of musical and technical instruments, pottery, rugs, clothes, stained and blown glass and any other items which shall constitute a non-objectionable use per Section 1179.04(d).
(e) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses.
(f) Clinic.
(Ord. 94-16. Passed 10-24-16.)

1179.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

- (a) General. Accessory uses permitted and as regulated in the C-1 District.
(b) Non-Residential. Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted C-4 non-residential uses including off-street parking facilities subject to Chapter 1183 , however, the parking of motor vehicles in the required twenty-five foot front yard is prohibited in order to preserve natural green space and to encourage parking in the rear of existing buildings.
(c) Signs. As regulated and defined in Chapter 1187 and Section 1187.07, especially 1187.07(b) entitled, Neighborhood Business and Commercial Transition District Signs. (Ord. 94-84. Passed 7-9-84.)

1179.04 REQUIRED CONDITIONS.

- (a) Height Limitations. No principal or accessory structure may exceed a height of three stories or thirty-five feet.
(b) Business in Enclosed Buildings. All businesses, services and processing activities, including the sale, display, advertisement preparation, and storage of any materials, equipment, trailers or motor vehicles shall be conducted wholly within a completely enclosed building, except as permitted in Chapter 1183 .
(c) Production for Sale at Retail. All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced unless prior approval is obtained from the Planning Commission.
(d) Uses Must be Non-Objectionable. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by any reason of odor, dust, smoke, cinders, gas, fumes, noise vibration, refuse matter or water carried or hazardous materials.

(Ord. 94-84. Passed 7-9-84.)

1179.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed except as provided in Chapter 1180.

	<u>Lot Area</u> <u>Square Feet</u>	<u>Lot Frontage</u> <u>Feet</u>	<u>Front Yard</u> <u>Depth Feet</u>	<u>Side Yard</u> <u>Width Feet</u>	<u>Rear Yard</u> <u>Depth Feet</u>
All non-residential permitted uses & conditional uses	10,000	None	25	None; except when adjoining institutional or residential uses - then no less than ten feet.	
Residential	Same as required in the R-1 District				

Buffering and Screening Requirements.

Buffering (horizontal dimension): 10' for non-residential uses and off-street parking areas when they adjoin an existing residential dwelling unit.

Screening (vertical screen dimension): 6' high with 100% opacity for non-residential uses and off-street parking areas when they adjoin an existing residential dwelling unit.

(Ord. 94-84. Passed 7-9-84.)

Exceptions and Modifications

- 1180.01 Dwelling on any lot of record.
- 1180.02 Height modifications.
- 1180.03 Yard modifications.
- 1180.04 Yard projections.
- 1180.05 Lot area requirements.

CROSS REFERENCES

Board of Zoning Appeals - see P. & Z. Ch. 1137

Amendments - see P. & Z. Ch. 1139

1180.01 DWELLING ON ANY LOT OF RECORD.

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of the Zoning Ordinance, irrespective of its area or width, provided that yard spaces satisfy requirements stipulated for the district in which such lot is located, or requirements as may be modified under Section 1180.03 or by the Board of Zoning Appeals as set forth in Section 1137.09.

(Ord. 94-84. Passed 7-9-84.)

1180.02 HEIGHT MODIFICATIONS.

(a) Height Limitations Not Applicable. The height limitations stipulated elsewhere in the Zoning Ordinance shall not apply to the following:

- (1) Farm buildings, architectural features. Barns, silos or other farm buildings or structures on farms; church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials; parapet walls extending not more than four feet above the limiting height of the building.
- (2) Places of public assembly. Places of public assembly in churches, schools and other permitted public and semipublic buildings, provided that these are located on the first floor of such buildings and provided that, for each three feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- (3) Elevator penthouses, water tanks. Bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided no linear dimensions of any such structure exceeds fifty percent (50%) of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures where the manufacturing process requires a greater height.

(b) Minimum Requirements. All such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent (25%) of the area of the lot and shall be distant not less than fifty feet in all parts from every lot line not a street lot line.

(c) Sloping Lot Adjustments. Where a building is located upon a sloping lot the height of the building shall be calculated by:

$$h = \frac{x + y}{2}$$

Where: h = Official height of building.

x = The greatest distance from the top of the building to the ground.

y = The least distance from the top of the building to the ground.

(Ord. 98-10. Passed 11-8-10.)

1180.03 YARD MODIFICATIONS.

(a) Average Depth of Front Yards. In the A and R Districts, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same blockfront is less or greater than the least front yard depth prescribed elsewhere in the Zoning Ordinance, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average of the depth on the two lots immediately adjoining, or in the case where there are no buildings on both of the lots immediately adjoining, the average depth of the front yards on lots within 100 feet of the lot in question and within the same block front; provided, however, that the depth of a front yard on any lot shall be at least ten feet and need not exceed fifty feet.

(1) Steep slopes; front yard garage. In the A and R Districts, where the natural slope of a lot within the required front yard has an average slope, normal to the front lot line at every point along such line, of such a degree or percent of slope that is not practicable to provide a driveway with a grade of twelve percent (12%) or less to a private garage conforming with the requirements of the Zoning Ordinance, such garage may be located within such front yard, but not in any case closer than six feet from the front lot line.

(2) Double frontage lots. Buildings on lots having frontage on two nonintersecting streets need not have a rear yard, if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

(b) Rear and Side Yards. In computing the depth of a rear yard of the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be; provided, however, that no side yard shall be less at any point than three feet, and no rear yard less than ten feet. (Ord. 94-84. Passed 7-9-84.)

1180.04 YARD PROJECTIONS.

(a) Architectural Features. Certain architectural features may project into required yards or courts as follows:

- (1) Front and side yards. Into any required front yard, or required side yard adjoining a street lot line;

- A. Cornices, canopies, eaves or other architectural features may project a distance not exceeding four feet.
- B. Fire escapes may project a distance not exceeding four feet, six inches.
- C. An uncovered stair and necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the entrance floor of the building, except for a railing not exceeding three feet in height.
- D. Bay windows, balconies and chimneys may project a distance not exceeding four feet, provided such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
- (2) Interior side yards. Subject to the limitations in subsection (a)(1) hereof, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-third of the required least width of such side yard, but not exceeding three feet in any case.
- (3) Rear yards. Subject to the limitations in subsection (a)(1) hereof, the features named therein may project into any required rear yards the same distances they are permitted to project into a front yard; provided, however, that landings or porches may be covered and may project a distance not exceeding ten feet but not closer than ten feet from the rear lot line.

(Ord. 81-92. Passed 7-13-92.)

- (b) Fences, Walks and Hedges. Fences, walks and hedges may be located in required yards as follows:

- (1) Except as provided in subsection (b)(3) hereof, fences and hedges may be located only in side or rear yards, except that on corner lots, fences and hedges are not permitted in the street side yard or in that portion of the rear yard which is closer to the side street right-of-way line than the required zoning front yard depth for a principal structure. Such fences and hedges shall not exceed six feet in height above the elevation of the ground where located. No fence or hedge shall be located or erected other than as provided above unless it is specifically authorized by a variance granted by the Board of Zoning Appeals. Any fence which has fifty percent (50%) or more opacity shall have the posts and supporting rails located on the inside of the fence or shall be constructed so that the slats of the fence alternate on the inside and outside of the posts and supporting rails. A no-cost zoning certificate as described in subsection 1135.03(a) shall be applied for and obtained prior to erection of any fence four (4) feet or less in height.

(Ord. 180-04. Passed 12-13-04.)

- (2) Walks may be located in any required yard.

(Ord. 67-92. Passed 5-26-92.)

- (3) Hedges and Decorative Fences. Hedges and decorative fences such as split rail, picket, wrought iron or other decorative varieties, but not including chain link, which hedges or decorative fences do not form an enclosure or boundary are permitted only in the front yard of an interior lot as follows:

- A. An aggregate of sixteen lineal feet of hedge or decorative fences shall be permitted within the front yard and in no case shall any hedge or decorative fence greater than eight feet in length be erected along the front lot line or within twenty feet of the front lot line, except as provided in subsection (b)(3)B. below.
- B. In the case of driveway or corner demarcation, no section of hedge or decorative fence shall exceed eight feet in length, and a maximum of sixteen feet is permitted but must be joined at an angle no greater than 90°. No more than two angled sections of sixteen feet each as described in this subsection (b)(3)B. shall be permitted in a front yard. If angled hedge or decorative fence is used for driveway or corner demarcation under this subsection (b)(3)B., it shall also be included for purposes of the aggregate amount of hedge or decorative fencing permitted under subsection (b)(3)A. above.
- C. The height of any hedge or decorative fence under this subsection (b)(3) shall not exceed four feet and hedges or decorative fences under this subsection (b)(3) must have no greater than fifty percent (50%) opacity.
- D. Hedges and decorative fences under this subsection (b)(3) shall be located at least one foot from the nearest public right of way.
- E. For purposes of this subsection (b), a hedge is a row of closely planted shrubs, bushes or low growing trees.

(Ord. 81-92. Passed 7-13-92.)

- (c) Retaining Walls. Retaining walls may be located in any required yard provided such walls are necessary to properly maintain/retain an elevation of the yard and provided such walls do not exceed at any point, forty-eight inches in height above the elevation of the surface of the ground at such point, except that retaining walls in rear or side yards may be no more than seventy-two inches in height. Retaining walls must be shown on any plot plan submitted and shall not be deemed approved if not accurately shown on the plot plan. The Building Superintendent may require that a retaining wall be designed by a registered design professional if determined to be necessary for the safety of the wall in the discretion of the Superintendent. (Ord. 180-04. Passed 12-13-04.)

- (d) Batting Cages and Animal Enclosures. Batting cages and animal enclosures must be located in the rear yard of an interior lot and must be included in the calculation of the accessory use limitation contained in Section 1143.06(a). These structures, whether permanent or temporary, must be no greater than six foot from grade to the top of structure unless specifically authorized by the Board of Zoning Appeals.

(Ord. 154-96. Passed 10-15-96.)

1180.05 LOT AREA REQUIREMENTS.

PUBLIC SANITARY AND WATER FACILITIES NOT AVAILABLE:

In any district, where either a public water supply and/or a public sanitary sewer is not accessible, the otherwise specified lot area and frontage requirements for dwellings, if less than the following, shall be:

- (a) Lot Area. Twenty thousand square feet;
- (b) Lot Frontage. 120 feet.

(Ord. 94-84. Passed 7-9-84.)