

**CODIFIED ORDINANCES OF WAVERLY  
PART ELEVEN—PLANNING AND ZONING CODE**

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**CODIFIED ORDINANCES OF WAVERLY  
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**TITLE ONE—ZONING ADMINISTRATION**

**Chapter**

<b>1105</b>	<b>Purpose, Scope and Interpretation</b>
<b>1107</b>	<b>Rules and Definitions</b>
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**CHAPTER 1105  
Purpose, Scope and Interpretation**

1105.01	Title.	1105.05	Interpretation
1105.02	Purpose.	1105.06	Separability
1105.03	Scope.	1105.07	Effective date
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Cross References

Charter provisions regarding planning and zoning: see Charter Article IX § 3.00 C & D  
Bulk defined—see P & Z 1107.14  
Nonconforming building and use defined—see P & Z 1107.60, 1107.61  
Use defined—see P & Z 1107.96  
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1105.01 TITLE.

Title One to Five of the Part Eleven—Planning and Zoning Code, including the Zoning District map made a part hereof, shall be known and may be cited and referred to as the City Zoning Ordinance.

(Ord. 10-16-67. Passed 11-20-67; Ord. 03-19-73. Passed 03-19-74.)

1105.02 PURPOSE.

This Zoning Ordinance is adopted for the following purposes:

- To promote the public health, safety, morals, comfort and general welfare;
- To conserve the values of property throughout the City and to protect the character and stability of agricultural, residential, business and manufacturing areas, and to promote the orderly and beneficial development of such areas;

- To provide adequate light, air, privacy and convenience of access to property;
- To lessen or avoid congestion in the public streets and highways;
- To regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses, and to regulate and restrict the intensity of such uses, and to establish building or setback lines within the corporate limits;
- To divide the City into districts of such number, shape, area and of such different classes, according to the use of land and buildings, and the intensity of such use, as may be deemed best suited to carry out the purposes of this Zoning Ordinance;
- To prohibit uses, buildings or structures incompatible with the character or such districts respectively;
- To prevent additions to and alternations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder;
- To protect against fire, panic, explosion, noxious fumes, flooding along natural water courses and other hazards in the interest of public health, safety, comfort and general welfare;
- To provide for the elimination of incompatible and nonconforming uses of land, buildings and structures which adversely affect the character and value of desirable development in each district; and
- To define and limit the powers and duties of the administrative officers and bodies as provided herein. (Ord. 10-16-67. Passed 11-20-67.)

1105.03 SCOPE

- (a) Changes in Structures or Use. Except as may otherwise be provided in Chapter 1153, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation or existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Zoning Ordinance which are applicable to the zoning districts in which such buildings, uses or land are located.
- (b) Nonconforming Buildings, Structures and Uses. Any lawful building, structure or use existing at the time of the enactment of this section (Ordinance 10-16-67, passed 11-20-67) may be continued, even though such building, structure or use does not conform to the provisions of this Zoning Ordinance for the district in which it is located, and whenever a district is changed hereafter, the then existing lawful use may be continued, subject to the provisions of Chapter 1153.
- (c) Building Permits. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this section (Ordinance 10-16-67, passed 11-20-67), and provided that construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, the building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of Chapter 1153. (Ord. 10-16-67. Passed 11-20-67.)

1105.04 USE AND BULK REGULATIONS

- (a) Use. No use of a building, structure or land shall hereafter be established or enlarged, and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations specified in this Zoning Ordinance for the district in which it is located.
- (b) Bulk. Every new building or structure shall conform to the bulk regulations established in this Zoning Ordinance for the district in which each such building or structure is located. (Ord. 10-16-67. Passed 11-20-67.)

1105.05 INTERPRETATION

- (a) Minimum Requirements. The provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- (b) Relationship with Other Laws. Where the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Zoning Ordinance or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (c) Effect on Existing Agreements. This Zoning Ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this Zoning Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Zoning Ordinance shall govern.
- (d) Conflict. In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Ordinance to interfere with, abrogate, annul or repeal any ordinances, rules or regulations previously adopted and not in conflict with any of the provisions herein or which shall be adopted pursuant to the use of buildings or premises; nor is it intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except where this Zoning Ordinance imposes a greater restriction upon the use of land, buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by such other ordinances, easements, covenants or agreements, the provisions of this Zoning Code shall control. (Ord. 10-16-67. Passed 10-20-67.)

1105.06 SEPARABILITY.

Should any clause, section or provision in this Zoning Ordinance be declared invalid by the courts, the same shall not affect the validity of this Zoning Ordinance as a

whole or any part thereof, other than the part declared to be invalid. (Ord. 10-16-67. Passed 11-20-67.)

1105.07 EFFECTIVE DATE

This Zoning Ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be in full force and effect after its due passage, approval, recording and publication as provided by law. (Ord. 10-16-67. Passed 11-20-67.)

**CHAPTER 1107**  
**Rules and Definitions**

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**CROSS REFERENCE**

Zoning Administrator designated –see P & Z 1109.01

**1107.01 RULES OF CONSTRUCTION**

- (a) Words used in the present tense include the future, and words used in the singular number include the plural number, and the plural the singular.
- (b) The word “shall” is mandatory and not discretionary.
- (c) The word “may” is permissive.
- (d) The word “lot” includes the words “plot”, “piece” and “parcel”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.” (Ord. 10-16-67. Passed 11-20-67.)

**1107.02 ABANDONMENT**

“Abandonment” means an action to give up one’s rights or interests in property. (Ord. 10-16-67. Passed 11-20-67.)

**1107.03 ACCESSORY BUILDING OR USE**

“Accessory building or use” means one which:

- (a) Is subordinate to and serves a principal building or principal use;
- (b) Is subordinate in area, extent or purpose to the principal building or principal use served;
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- (d) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities

as are permitted to be located elsewhere than on the same zoning lot with the building or use served.

“Accessory use” includes, but is not limited to, the following:

- (a) A children’s playhouse, garden house and private greenhouse;
- (b) A garage, shed or building for domestic storage;
- (c) Incinerators incidental to residential use;
- (d) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
- (e) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
- (f) A nonpaying guest house or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupant of the principal building and not for permanent occupancy by others as housekeeping units;
- (g) Servants’ quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee, and his or her family, of the occupants of the principal dwelling;
- (h) A private swimming pool for use by the occupant and his guests;
- (i) Off-street motor vehicle parking areas, and loading and unloading facilities;
- (j) Signs other than advertising signs as permitted and regulated in each district incorporated in this Zoning Ordinance;
- (k) Carports;
- (l) Public utilities facilities: telephone, electric, gas, water and sewer lines, their supports and incidental equipment. (Ord. 10-16-67. Passed 11-20-67.)

#### 1107.04 AUTOMOBILE SERVICE STATION

“Automobile service station” means a place where gasoline, stored only in underground tanks, and kerosene, lubricating oil, grease and minor accessories for the operation of automobiles are offered for sale directly to the public on the premises, and where automobiles are serviced and washed but no chain conveyor, blower or steam cleaning device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include the sale or storage of new or used automobiles or trailers or major automotive repairs. (Ord. 10-16-67. Passed 11-20-67.)

#### 1107.05 BASEMENT

“Basement” means a story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement. (Ord. 10-16-67. Passed 11-20-67.)

1107.06 BILLBOARD

“Billboard” means any structure or portion thereof upon which signs or advertisements are used as an outdoor display. This definition does not include bulletin boards used to announce church services, or display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located. (Ord. 10-16-67. Passed 11-20-67.)

1107.07 BLOCK

“Block” means a tract of land bounded by streets or, in lieu of streets, by public parks, cemeteries, railroad rights of way, bulkhead lines or shore lines of waterways or corporate boundary lines of municipalities. (Ord. 10-16-67. Passed 11-20-67.)

1107.08 BUILDABLE AREA

“Buildable area” means the space remaining on a zoning lot after the minimum open space requirements of this Zoning Ordinance have been complied with. (Ord. 10-16-67. Passed 11-20-67.)

1107.09 BUILDING

“Building” means any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings. (Ord. 10-16-67. Passed 11-20-67.)

1107.10 BUILDING, DETACHED

“Detached building” means a building surrounded by open space on the same zoning lot. (Ord. 10-16-67. Passed 11-20-67.)

1107.11 BUILDING HEIGHT

“Building height” means the vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building. (Ord. 10-16-67. Passed 11-20-67.)

1107.12 BUILDING, PRINCIPAL

“Principal building” means a building in which the principal use of the zoning lot on which the building is located is conducted. (Ord. 10-16-67. Passed 11-20-67.)

1107.13 BUILDING SETBACK LINE

“Building setback line” means a line parallel to the street line at a distance from it, regulated by the front yard requirements of this Zoning Ordinance. (Ord. 10-16-67. Passed 11-20-67.)

1107.14 BULK

“Bulk” is used to indicate the size and setbacks of buildings or structures and the location of the same with respect to one another and includes the following:

- (a) Size and height of buildings;
- (b) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- (c) Gross floor area of buildings in relation to lot area (floor area ratio);
- (d) All open spaces allocated to the buildings;
- (e) Amount of lot area per dwelling unit;
- (f) Required parking areas. (Ord. 10-16-67. Passed 11-20-67.)

1107.15 CELLAR

“Cellar” means a story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement. (Ord. 10-16-67. Passed 11-20-67.)

1107.16 CLINIC OR MEDICAL HEALTH CENTER

“Clinic” or “Medical health center” means an establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together. (Ord. 10-16-67. Passed 11-20-67.)

1107.17 CLUB OR LODGE, PRIVATE

“Private club or lodge” means a nonprofit association of persons, who are bona-fide members paying annual dues, which owns, hires or leases a building or portion thereof, and the use of such premises is restricted to members and their guests.

It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room, for the purpose of serving food and meals, though such beverages maybe served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with applicable Federal, State, County and Municipal law. (Ord. 10-16-67. Passed 11-20-67.)

1107.18 CURB LEVEL

“Curb level” means the level of the established curb in front of a building measured at the center of the front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the curb level. (Ord. 10-16-67. Passed 11-20-67.)

1107.19 DAY NURSERY

“Day nursery” means a building or portion thereof used for the daytime care of preschool age children. (Ord. 10-16-67. Passed 11-20-67.)

1107.20 DECIBEL

“Decibel” means a unit of measurement of intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels. (Ord. 10-16-67. Passed 11-20-67.)

1107.21 DWELLING

“Dwelling” means a building or portion thereof not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family, two-family and multiple family dwelling units, but not including hotels, motels, boarding or lodging houses. (Ord. 10-16-67. Passed 11-20-67.)

1107.22 DWELLING UNIT

“Dwelling unit” means one or more rooms in a residential structure arranged, designed, used or intended to be used by one family, plus not more than four lodgers, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed. (Ord. 10-16-67. Passed 11-20-67.)

1107.23 DWELLING, ATTACHED

“Attached dwelling” means a dwelling which is joined to another dwelling at one or more sides by a party wall or walls. (Ord. 10-16-67. Passed 11-20-67.)

1107.24 DWELLING, DETACHED

“Detached dwelling” means a dwelling which is entirely surrounded by open space on the same lot. (Ord. 10-16-67. Passed 11-20-67.)

1107.25 DWELLING, ONE-FAMILY

“One-family dwelling” means a dwelling unit designed exclusively for use and occupancy by one family. (Ord. 10-16-67. Passed 11-20-67.)

1107.26 DWELLING, TWO-FAMILY

“Two-family dwelling” means a building designed or altered to provide dwelling units for occupancy by two families. (Ord. 10-16-67. Passed 11-20-67.)

1107.27 DWELLING, MULTIPLE FAMILY

“Multiple family dwelling” means a building or portion thereof, designed or altered for occupancy by three or more families living independently of each other. (Ord. 10-16-67. Passed 11-20-67.)

1107.28 DWELLING, ROW

“Row Dwelling” (Party-Wall) means a row of two to eight attached one-family, party-wall dwellings, not more than two and one-half stories in height, nor more than two rooms in depth, measured from the building line. (Ord. 10-16-67. Passed 11-20-67.)

1107.29 DWELLING GROUP

“Dwelling group” means two or more one-family, two-family or multiple family dwellings, or boarding or lodging houses located on one zoning lot, but does not include tourist courts or motels. (Ord. 10-16-67. Passed 11-20-67.)

1107.30 EDUCATIONAL INSTITUTION

“Educational institution” means public, parochial, charitable or nonprofit junior college, college or university (other than a trade or business school) including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees. (Ord. 10-16-67. Passed 11-20-67.)

1107.31 FAMILY

“Family” means one or more persons related by blood, marriage or adoption, or a group or not more than five persons (including servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household but it does not include a sorority, fraternity or other similar organization. (Ord. 10-16-67. Passed 11-20-67.)

1107.32 FLOOR AREA, GROSS

(a) Floor Area Ratio. For the purpose of determining floor area ratio, “gross floor area” of a building means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, “gross floor area” shall include:

- 1) Basement space if at least one-half of the basement story height is above the established curb or ground level;
- 2) Elevator shafts and stairwells at each floor;
- 3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment, open or enclosed, located on the roof, i.e., bulkheads, water tanks and cooling towers;
- 4) Attic floor space where the structural headroom exceeds seven and one-half feet;
- 5) Interior balconies and mezzanines;
- 6) Enclosed porches, but not terraces and breezeways;
- 7) Accessory buildings.

(b) Off-Street Parking and Loading. For the purpose of determining requirements for off-street parking and off-street loading “gross floor area” means the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to off-street parking and loading use, including accessory storage areas located within selling or working space, such as counters, racks or

closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes, except as otherwise noted herein; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. (Ord. 10-16-67. Passed 11-20-67.)

1107.33 FLOOR AREA RATIO

“Floor area ratio” (F.A.R.) means the gross floor area of the building or buildings on the zoning lot divided by the area of such zoning lot, or in the case of a planned development, by the net site area. (Ord. 10-16-67. Passed 11-20-67.)

1107.34 FREQUENCY

“Frequency” means the number of oscillations per second in a sound wave, measuring the pitch of the resulting sound. (Ord. 10-16-67. Passed 11-20-67.)

1107.35 GRADE, STREET

“Street grade” means the elevation of the established street in front of a building measured at the center of the front. For the purpose of this section, where no street grade has been established, the City Engineer shall establish the street grade or its equivalent. (Ord. 10-16-67. Passed 11-20-67.)

1107.36 HOME OCCUPATION

“Home occupation” means any gainful occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. The home occupation shall be carried on wholly within the principal building or within a building accessory thereto, and only by members of the family occupying the premises. No article shall be sold or offered for sale on the premises, except such as is produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. There shall be no exterior display, no exterior sign except as allowed by the sign regulations for the district in which such home occupation is located; no exterior storage of materials; no other exterior indication of the home occupation or variation from the residential character of the principal building; and no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced. Offices, clinics, doctors’ offices, hospitals, barber shops, beauty parlors, dress shops, millinery shops, tearooms, restaurants, tourist homes, animal hospitals and kennels, among others, shall not be deemed to be home occupations. (Ord. 10-16-67. Passed 11-20-67.)

1107.37 HOSPITAL OR SANITARIUM

“Hospital” or “sanitarium” means an institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four hours in any week or three or more unrelated individuals suffering from

illness, disease, injury, deformity or other abnormal physical conditions. As used herein, hospital does not apply to institutions operating solely for the treatment of insane persons, drug addicts, alcoholics, or other types of cases necessitating restraint of patients, and hospital shall not be used for convalescent, nursing, shelter or boarding homes. (Ord. 10-16-67. Passed 11-20-67.)

1107.38 HOTEL, MOTEL, INN OR AUTO COURT

“Hotel”, “Motel”, “Inn”, or “Auto Court” means an establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service. (Ord. 10-16-67. Passed 11-20-67.)

1107.39 JUNK YARD

Junk yard” means any lot, building, structure, enclosure, premises or parts thereof used for the storage, keeping or abandonment of any worn-out, castoff, discarded or abandoned article, material, vehicle, automobile and machinery or parts thereof, which is ready for destruction or sale or has been collected or stored for salvage or conversion to some use, including scrap metal, paper, wood, cordage, or other waste or discarded materials, articles, vehicles, automobiles, and machinery or parts thereof, or vehicles or automobiles that are inoperable or incapable of movement by their own locomotion or power, or vehicles or automobiles without a valid, current State registration and license plate issued to the vehicle or automobile and to the occupant, owner, purchaser, lessor, lessee or tenant of any lot, building or structure situated thereon. (Ord. 10-16-67. Passed 11-20-67.)

1107.40 KENNEL

“Kennel” means a lot, building, structure, enclosure or premises where dogs or cats are maintained, boarded, bred, kept or cared for in return for remuneration, or are kept for the purpose of sale, or are groomed, trained or handled for others. (Ord. 10-16-67. Passed 11-20-67.)

1107.41 LODGING OR ROOMING HOUSE

“Lodging or rooming house” means a building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight, or per-meal basis to transient guests. (Ord. 10-16-67. Passed 11-20-67.)

1107.42 LOT

“Lot” means a parcel of land legally described as a distinct portion or piece of land of record. (Ord. 10-16-67. Passed 11-20-67.)

1107.43 LOT OF RECORD

“Lot of record” means an area of land designated as a lot on a subdivision plat recorded or registered pursuant to statute. (Ord. 10-16-67. Passed 11-20-67.)

1107.44 LOT AREA

“Lot area” means the area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines. (Ord. 10-16-67. Passed 11-20-67.)

1107.45 LOT, CORNER

“Corner lot” means a lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less. (Ord. 10-16-67. Passed 11-20-67.)

1107.46 LOT COVERAGE

“Lot coverage” means the area of a zoning lot occupied by the principal building or buildings and accessory buildings. (Ord. 10-16-67. Passed 11-20-67.)

1107.47 LOT DEPTH

“Lot depth” means the mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries. (Ord. 10-16-67. Passed 11-20-67.)

1107.48 LOT FRONTAGE

“Lot frontage” means that boundary of a lot along a public street. For a corner lot the owner may elect either street as the front lot line. (Ord. 10-16-67. Passed 11-20-67.)

1107.49 LOT LINE

“Lot line” means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line. (Ord. 10-16-67. Passed 11-20-67.)

1107.50 LOT, INTERIOR

“Interior lot” means a lot other than a corner or reversed corner lot. (Ord. 10-16-67. Passed 11-20-67.)

1107.51 LOT LINE, FRONT

“Front lot line” means the front property line of a zoning lot. (Ord. 10-16-67. Passed 11-20-67.)

1107.52 LOT LINE, INTERIOR

“Interior lot line” means a side lot line common with another lot. (Ord. 10-16-67. Passed 11-20-67.)

1107.53 LOT LINE, REAR

“Rear lot line” means the lot line or lines most nearly parallel to and most remote from the front lot line. (Ord. 10-16-67. Passed 11-20-67.)

1107.54 LOT LINE, SIDE

“Side lot line” means lot lines other than front or rear lot lines are side lot lines. (Ord. 10-16-67. Passed 11-20-67.)

1107.55 LOT, REVERSED CORNER

“Reversed corner lot” means a corner lot, the rear or which abuts upon the side of another lot, whether across an alley or not. (Ord. 10-16-67. Passed 11-20-67.)

1107.56 LOT, THROUGH

“Through lot” means a lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines. (Ord. 10-16-67. Passed 11-20-67.)

1107.57 LOT WIDTH

“Lot width” means the mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area. (Ord. 10-16-67. Passed 11-20-67.)

1107.58 MARQUEE OR CANOPY

“Marquee or canopy” means a roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way, and is designed and intended to protect pedestrians from adverse weather conditions. (Ord. 10-16-67. Passed 11-20-67.)

1107.59 NAMEPLATE

“Nameplate” means a sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein. (Ord. 10-16-67. Passed 11-20-67.)

1107.60 NONCONFORMING BUILDING

“Nonconforming building” means a building or structure, or portion thereof, lawfully existing at the time of adoption of this section ((Ord. 10-16-67. Passed 11-20-67) which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located. (Ord. 10-16-67. Passed 11-20-67.)

1107.61 NONCONFORMING USE

“Nonconforming use” means any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of Ordinance 10-16-67, passed November 20, 1967, or amendments thereto, which does not conform after the passage of Ordinance 10-16-67, passed November 20, 1967, or amendments thereto, with the use regulations of this Zoning Ordinance. (Ord. 10-16-67. Passed 11-20-67.)

1107.62 NOXIOUS MATTER

“Noxious matter” means material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of humans. (Ord. 10-16-67. Passed 11-20-67.)

1107.63 NURSING HOME OR REST HOME

“Nursing home or rest home” means a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries, or for surgical care. (Ord. 10-16-67. Passed 11-20-67.)

1107.64 OCTAVE BAND

“Octave band” means a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch. (Ord. 10-16-67. Passed 11-20-67.)

1107.65 OCTAVE BAND FILTER

“Octave band filter” means an electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals (American Standard for Sound Level Meters, A.S.A. No. 224.3-1944). (Ord. 10-16-67. Passed 11-20-67.)

1107.66 PARTICULATE MATTER

“Particulate matter” means material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature. (Ord. 10-16-67. Passed 11-20-67.)

1107.67 PERFORMANCE STANDARD

“Performance standard” means a criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings. (Ord. 10-16-67. Passed 11-20-67.)

1107.68 PLANNED DEVELOPMENT

“Planned development” means a tract of land which is planned as a whole for development under single ownership or control and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits than would normally be had through the development of diverse smaller tracts under multiple ownership. In the case of a residential planned development, adequate provision shall be made for basic community facilities such as schools, parks, playgrounds and churches, among others. The minimum area for a planned development shall be: (a) for residential, forty acres; (b) for business, five acres; (c) for industrial, twenty acres; and (d) for governmental, three acres. (Ord. 10-16-67. Passed 11-20-67.)

1107.69 PRINCIPAL USE

“Principal use” means the main use of land or buildings as distinguished from a subordinate or accessory use. (Ord. 10-16-67. Passed 11-20-67.)

1107.70 PUBLIC OPEN SPACE

“Public open space” means any publicly-owned open area, including but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets. (Ord. 10-16-67. Passed 11-20-67.)

1107.71 PUBLIC UTILITY

“Public utility” means any person, firm, corporation or Municipal department duly authorized to furnish to the public, under public regulation, electricity, gas, steam, telephone, transportation or water. (Ord. 10-16-67. Passed 11-20-67.)

1107.72 RAILROAD RIGHT OF WAY

“Railroad right of way” means a strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc. (Ord. 10-16-67. Passed 11-20-67.)

1107.73 RESTAURANT

“Restaurant” means any land, building or part thereof, other than a boarding house, where meals are provided for compensation and including a café, cafeteria, coffee shop, lunchroom, drive-in stand, tearoom and dining room; and also including the serving of alcoholic beverages when served with an incidental to the serving of meals. (Ord. 10-16-67. Passed 11-20-67.)

1107.74 RETIREMENT COMMUNITY DISTRICT

“Retirement Community District” means a specifically defined area planned and used for the exclusive residency of elderly retired persons usually sixty-two years of age and over, except employees necessary for proper management and maintenance of such districts. (Ord. 11-04-68. Passed 12-02-68.)

1107.75 RINGELMANN CHART

“Ringelmann Chart” means a chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke. (Ord. 10-16-67. Passed 11-20-67.)

1107.76 RINGELMANN NUMBER

“Ringelmann number” means the number of the area on the Ringelmann chart that coincides most nearly with the visual density of smoke emission. (Ord. 10-16-67. Passed 11-20-67.)

1107.77 SIGN

“Sign” means a name, identification, description, display or illustration which is affixed to or painted, or represented directly or indirectly upon a building, structure, tree, rock or other object, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

However, a sign shall not include any display of official court or public office notices, nor shall it include the flag, emblem, or insignia of a nation, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context is exposed to view from a street. Each display surface of a sign shall be considered to be a sign. (Ord. 10-16-67. Passed 11-20-67; Adopting Ordinance.)

1107.78 SIGN, ADVERTISING

“Advertising sign” (billboard) means a sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. (Ord. 10-16-67. Passed 11-20-67.)

1107.79 SIGN, BUSINESS

“Business sign” means a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed. (Ord. 10-16-67. Passed 11-20-67.)

1107.80 SIGN, CHURCH BULLETIN BOARD

“Church bulletin board sign” means a sign attached to the exterior of a church or located elsewhere on the church premises, used to indicate the services or activities of the church and including its name, if desired. (Ord. 10-16-67. Passed 11-20-67.)

1107.81 SIGN, FLASHING

“Flashing sign” means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this section, any revolving, illuminated sign shall be considered a flashing sign. (Ord. 10-16-67. Passed 11-20-67.)

1107.82 SIGN, GROSS SURFACE AREA

“Gross surface area of a sign” means the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. (Ord. 10-16-67. Passed 11-20-67.)

1107.83 SIGN, IDENTIFICATION

“Identification sign” means a structure, building wall or other outdoor surface used to display and identify the name of the individual, business, profession, organization or institution occupying the premises upon which it is located. (Ord. 10-16-67. Passed 11-20-67.)

1107.84 SMOKE UNITS

“Smoke units” means the number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes.

For the purposes of this section, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added together to give the total number of smoke units observed during the total period under observation. (Ord. 10-16-67. Passed 11-20-67.)

1107.85        SOUND LEVEL METER

“Sound level meter” means an instrument standardized by the American National Standards Institute, Inc. for measurement of intensity of sound. (Ord. 10-16-67. Passed 11-20-67.)

1107.86        STORY

“Story” means that portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof. (Ord. 10-16-67. Passed 11-20-67.)

1107.87        STORY, HALF

“Half story” means that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple family dwellings less than three stories in height, a half-story in a sloping room shall not be counted as a story. (Ord. 10-16-67. Passed 11-20-67.)

1107.88        STACKING REQUIREMENTS

“Stacking requirements” means the number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments. (Ord. 10-16-67. Passed 11-20-67.)

1107.89        STREET

“Street” means a public way other than an alley, which affords a primary means of access to abutting property. (Ord. 10-16-67. Passed 11-20-67.)

1107.90        STREET LINE

“Street line” means a line separating a lot, piece or parcel from a street. (Ord. 10-16-67. Passed 11-20-67.)

1107.91        STRUCTURE

“Structure” means anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or free-standing wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure. (Ord. 10-16-67. Passed 11-20-67.)

1107.92        TOXIC MATERIALS

“Toxic materials” means liquid, solid or gaseous substances which by reasons of an inherent deleterious property tend to destroy life or impair health. (Ord. 10-16-67. Passed 11-20-67.)

1107.93 TRAILER

“Trailer” means a vehicle or similar portable structure constructed with wheels, whether or not such wheels have been removed, and designed or constructed for living, sleeping, business or storage purposes. (Ord. 10-16-67. Passed 11-20-67.)

1107.94 TRAILER OR MOBILE HOME CAMP OR PARK

“Trailer or mobile home camp or park” means any premises occupied or designed to accommodate one or more families living in house trailers or mobile homes, or the parking of one or more trailers for business or storage purposes. (Ord. 10-16-67. Passed 11-20-67.)

1107.95 TRAILER, HOUSE, OR MOBILE HOME

“House trailer or mobile home” means any trailer as defined in Section 1107.93 used for residential purposes. (Ord. 10-16-67. Passed 11-20-67.)

1107.96 USE

“Use” means the purpose for which land or a building is designed, arranged or intended, or for which it is occupied, maintained, let or leased. (Ord. 10-16-67. Passed 11-20-67.)

1107.97 YARD

“Yard” means an open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Zoning Ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located. (Ord. 10-16-67. Passed 11-20-67.)

1107.98 YARD, FRONT

“Front yard” means a yard extending along the full length of the front lot line between the side lot lines. (Ord. 10-16-67. Passed 11-20-67.)

1107.99 YARD, REAR

“Rear yard” means a yard extending along the full length of the rear lot line between the side lot lines. (Ord. 10-16-67. Passed 11-20-67.)

1107.100 YARD, SIDE

“Side yard” means a yard extending along a side lot line from the front yard to the rear yard. (Ord. 10-16-67. Passed 11-20-67.)

1107.101 ZONING BOARD

“Zoning Board” or “Board” means the Zoning Board of Appeals.

1107.102 ZONING LOT

“Zoning lot” means a single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

Therefore, a zoning lot may or may not coincide with a lot of record. (Ord. 10-16-67. Passed 11-20-67.)

1107.103 ZONING MAP

“Zoning Map” means the map or maps incorporated in this Zoning Ordinance as a part hereof, designating zoning districts. (Ord. 10-16-67. Passed 11-20-67.)

1107.104 ZONING ORDINANCE

“Zoning Ordinance” means Ordinance 10-16-67, passed November 20, 1967, as amended, which is codified as Title One to Five of this Part Eleven—Planning and Zoning Code. (Ord. 10-16-67. Passed 11-20-67.)



**CHAPTER 1111**  
**Permits and Certificates**

1111.01	Zoning Compliance Permits
1111.02	Certificates for continued occupancy of nonconforming uses
1111.03	Use permit
1111.04	Continuance of existing uses
1111.05	Fees
1111.06	Penalty

**CROSS REFERENCES**

- Zoning Administrator as enforcing officer—see P. & Z. 1109.01  
Petitions for zoning amendments—see P. & Z. 1115.01  
Agricultural structure exemption—see P. & Z. 1151.15  
Continuance of use for nonconforming buildings and uses—see P. & Z. 1153.01  
Submission of plans for off-street parking, loading—see P. & Z. 1155.07

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1111.01      **ZONING COMPLIANCE PERMITS**

- (a) No building or structure shall hereafter be erected or structurally altered until a Zoning Compliance Permit is issued by the Zoning Administrator, stating that the building or structure and use of land comply with the regulations of this Zoning Ordinance and all building and health laws and ordinances of the City.
  - (b) All applications for Zoning Compliance Permit shall be accompanied by a plot plan, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots, location of well, septic tank and seepage field, and such other information as may be necessary to provide for the enforcement of this Zoning Ordinance. A careful record of such applications and plot plans shall be kept in the office of the Administrator.
  - (c) The fees for obtaining a Zoning Compliance Permit shall be as follows:
    - 1. Five dollars (\$5.00) per one thousand dollars (\$1,000.00) value (estimated cost of project).
    - 2. Five dollars (\$5.00) minimum for value up to one thousand dollars (\$1,000.00.)
- (Ord. 10-16-67. Passed 11-20-67; Ord. 25-85. Passed 07-01-85)
- (d) Whoever fails to comply with a valid zoning permit shall be guilty of a misdemeanor of the first degree. Each day a violation continues or occurs shall constitute a separate offense.

1111.02      **CERTIFICATES FOR CONTINUED OCCUPANCY OF  
NONCONFORMING USES**

Certificates for the continued occupancy of nonconforming uses existing at the time of passage of this section (10-20-67), or made nonconforming by this Zoning

Ordinance, shall state that the use is a nonconforming one and does not conform with the provisions of this Zoning Ordinance. The Zoning Administrator shall notify each owner of property being used by a nonconforming use and shall furnish each owner with a certificate of occupancy for such nonconforming use. (Ord. 10-16-67. Passed 11-20-67.)

#### 1111.03 USE PERMIT

No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the Zoning Administrator. No such use permit shall be issued to make such change unless it is in conformity with the provisions of this Zoning Ordinance. (Ord. 10-16-67. Passed 11-20-67.)

#### 1111.04 CONTINUANCE OF EXISTING USES

Nothing in this Zoning Ordinance shall prevent the continuance of the present lawful occupancy or lawful use of any existing building or zoning lot, except as may be necessary for the safety of life and property and except as provided in this Zoning Ordinance. (Ord. 10-16-67. Passed 11-20-67.)

#### 1111.05 FEES

- (a) (1) A filing fee of one hundred dollars (\$100.00) shall be paid to the City when a petition for a zoning amendment or an appeal from a decision on a zoning amendment is filed with the City, no part of which is to be returned. The City shall furnish a receipt for the fee paid.
- (2) If a public hearing is required, the petitioner or appellant shall be charged for the cost of the hearing, the amount to be determined by the Mayor's office to cover such costs as newspaper advertising of the hearing, and the cost of recording and transcribing the minutes of the hearing. Such charge shall be due and payable when the bill is rendered.
- (3) If requested, a copy of the minutes shall be furnished at cost.  
(Ord. 24-78. Passed 08-07-78.)
- (b) (1) A filing fee of ten dollars (\$10.00) shall be paid to the City when a petitioner for use permits, certificates of compliance, variations and for appeals to the Zoning Board of Appeals or Planning Commission is filed with the City, no part of which is to be returned. The City shall furnish a receipt for the fee paid.
- (2) If a public hearing is required, the petitioner or appellant shall be charged for the cost of the hearing, the amount to be determined by the Mayor's office to cover such costs as newspaper advertising of the hearing, and the cost of recording and transcribing the minutes of the hearing. Such charge shall be due and payable when the bill is rendered.
- (3) If requested, a copy of the minutes shall be furnished at cost.  
(Ord. 24-78. Passed 08-07-78.)

**CHAPTER 1113**  
**Zoning Board of Appeals**

1113.01	Establishment; membership
1113.02	Meetings; minutes; appeals and variations criteria
1113.03	Appeal procedure; hearings
1113.04	Variations
1113.05	Special exception variations
1113.06	Planned developments
1113.07	Conditions and guarantees for special exception variation
1113.08	Effect of denial of special exception variation
1113.09	Revocation of special exception variation
1113.10	Change of Zoning Ordinance prohibited
1113.11	Time limit for initiation of use variation
1113.12	Stay of proceedings
1113.13	Zoning variation procedure

**CROSS REFERENCES**

Petitioners for zoning amendments—see P. & Z. 1115.01
Zoning District Map—see P. & Z. 1121.02
Maximum floor area ratio for special exceptions in R-1 Districts—see P. & Z. 1125.06
Minimum lot area required in R-4 Districts—see P. & Z. 1131.03(d)
Minimum lot area required in R-5 Districts—see P. & Z. 1133.03(d)
Existing Special exceptions—see P. & Z. 1151.13
Special permitted use decisions—see P. & Z. 1151.14
Control of common possession of off-site parking –see P. & Z. 1155.06
Schedule of special exceptions –see P. & Z. 1157.01

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**1113.01 ESTABLISHMENT; MEMBERSHIP**

There is hereby established a Zoning Board of Appeals. The Board shall consist of five (5) members appointed by Council. The first members of the Board shall serve respectively for the following terms: One for one year; One for two years; One for three years; One for four years; One for five years.

The successor of each member so appointed shall serve for a period of five years. Vacancies shall be filled by the Mayor, subject to confirmation by Council for the unexpired term. Members may be removed by Council for cause after written charges have been filed, and after a public hearing has been held if demanded by the member so charged.

The Board shall annually elect a chairperson from its membership. The chairperson, or in his or her absence as the acting chairperson, may administer oaths and compel the attendance of witnesses.

The Clerk of Council shall act as clerk for the Board and shall make and keep a record of all its meetings and official acts. The Board of Zoning Appeals may solicit

input from all City departments regarding the effect of any appeal or proposed variation. (Ord. 10-16-67. Passed 11-20-67; Adopting Ordinance.)

#### 1113.02 MEETINGS; MINUTES, APPEALS AND VARIATIONS CRITERIA

All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty-days notice of the time and place of such meeting published in a newspaper of general circulation in the City; the notice shall contain a statement of the particular purposes of the meeting and a brief description of the location of the property or properties under consideration at the meeting.

All meetings of the Board shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes on each case and the reasons for granting or denying each application shall be specified. Every rule or regulation, and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Clerk of Council and shall be a public record.

The minutes of the Board shall be open to public examination at reasonable hours.

The Board shall adopt its own rules of procedure; a copy of which and all recommendations thereto shall be filed in the office of the Clerk of Council.

Expenses incurred by the Board are to be itemized and shall be borne by the City.

In considering all appeals and all proposed variations to this Zoning Ordinance, the Board shall, before granting any variation from the Zoning Ordinance in a specific case, first determine and make a finding of fact that the proposed variation will not: (a) impair an adequate supply of light and air to adjacent property; (b) unreasonably increase the congestion in public streets; (c) increase the danger of fire or endanger the public safety; (d) unreasonably diminish or impair established property values within the surrounding area; (e) merely serve as a convenience to the applicant, but it necessary to alleviate some demonstrable hardship or difficulty; or in any other respect impair the public health, safety, comfort, morals and welfare of the inhabitants of the City. (Ord. 10-16-67. Passed 11-20-67.)

#### 1113.03 APPEAL PROCEDURE; HEARINGS

Any person aggrieved by a ruling of the Zoning Administrator or by any officer, department, board or bureau of the City concerning interpretation of this Zoning Ordinance, may appeal to the Zoning Board of Appeals.

The Board shall fix a reasonable time and place for the hearing of appeals and shall give notice of the hearing to the persons appealing and to the officer from whom the appeal is taken. It shall hear the appeal within a reasonable time. At the hearing parties of interest may appear in person or by agent or attorney.

The appeal shall be taken within thirty days by the Board and shall be taken by filing with the Clerk of Council and with the Board a notice of appeal specifying the grounds thereof, together with such plats and exhibits as are reasonably necessary. The appeal shall be taken upon forms provided by the Board. The Clerk of Council shall

forthwith transmit to the Board all of the papers constituting the record upon which the action appealed was taken.

The Board shall hear appeals from and review any order, requirement, decision or determination made by the Zoning Administrator.

The Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide is fitting and proper in the premises, and to that end the Board shall also have all the powers of the officer from whom the appeal is taken.

A majority vote of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is authorized by this Zoning Ordinance to render decisions. . (Ord. 10-16-67. Passed 11-20-67.)

#### 1113.04 VARIATIONS

- (a) Purpose. A variation is that power to permit municipalities to vary the requirements of a Zoning ordinance. Variations should be granted solely to provide relief under unusual conditions and only when in harmony with the general intent and purpose of this Zoning Ordinance.
- (b) Conditions. In making its determination as to whether there is unnecessary hardship, the Zoning Board of Appeals shall take into consideration the extent to which the following conditions, favorable to the applicant or appellant, have been established by evidence:
  - 1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience or loss of revenue if the strict letter of the regulations were carried out;
  - 2. The conditions upon which the requested variation is based would not be applicable generally to other properties within the same zoning classification;
  - 3. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
  - 4. The granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  - 5. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
  - 6. The proposed variation complies with the spirit and intent of the restrictions imposed by this Zoning Ordinance; and
  - 7. The proposed variation will benefit the community.
- (c) Application. An application for a variation of the regulations of this Zoning Ordinance may be made by a property owner or his agent to the Board. Such applications shall be made in writing, stating the variation requested, the location of the property for which the variation is requested, the name and

address of the property owner and the cause for the requested variation, the name and last known address of the proximate property owners who would be affected by the proposed variation, a statement as to how the proposed variation will meet the criteria and conditions set out in Sections 1113.02 and 113.04(b).

- (d) Public Hearing. The Board shall fix a reasonable time and place for the public hearing and shall give notice of the time and place of the public hearing to proximate property owners by regular first class mail, not less than seen days prior to the hearing, and published at least once, not more than thirty days and not less than fifteen days before the hearing, in a newspaper with a general circulation within the City.
- (e) Decision Within Thirty Days. The Board shall either grant or deny the requested variation within thirty days after the public hearing. (Ord. 10-16-67. Passed 11-20-67; Adopting Ordinance.)

#### 1113.05 SPECIAL EXCEPTION VARIATIONS

- (a) Purpose. The development and execution of this Zoning Ordinance is based upon the division of the City into districts within which the use of land and buildings and the bulk and location of buildings and structure in relation to the land are substantially uniform. It is recognized, however, that there are uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in case each, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses fall into two categories:
  - 1. Uses publicly operated or traditionally affected with a public interest;
  - 2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- (b) Initiation of Special Exception Variations. Any person owning or having an interest in the subject property may file an application to use such land for one or more of the uses provided for in this Zoning Ordinance in the zoning district in which the land is situated.
- (c) Application for Special Exception Variation. An application for a use variation shall be filed with the Zoning Administrator upon a form prescribed by him or her. The application shall be accompanied by such plans and/or data prescribed by the Administrator and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use variation will conform to the standards set forth herein.
- (d) Application Hearing. Upon receipt, in proper form, of the application and statement referred to in subsection (c) hereof, the Zoning Board of Appeals shall fix a reasonable time and place for a public hearing and shall give notice of the time and place of the hearing, published at least once, not more than thirty days and not less than fifteen days before the hearing, in one or more newspapers published in the City, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the City.

- (e) Authorization. In considering each application for a special use variation, the Board shall include such stipulations or additional conditions and the means by which such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Board may grant or deny any application for a use variation provided, however, that in the event of written protest against any proposed special exception variation, signed and acknowledged by the owners or twenty percent of the frontage immediately adjoining the property proposed for a special use variation, or by the owners of twenty percent of the frontage across an alley or directly opposite therefrom, such use variation shall not be granted except by the favorable vote of two-thirds of all the members of the Board.
- (f) Standards. No special use variation shall be recommended by the Board unless the Board finds that:
  - 1. The establishment, maintenance or operation of the use will not be detrimental to or endanger the public safety, health, morals, comfort or general welfare;
  - 2. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - 3. The establishment of the use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - 4. Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
  - 5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
  - 6. The use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by Council pursuant to the recommendations of the Board. (Ord. 10-16-67. Passed 11-20-67).

#### 1113.06 PLANNED DEVELOPMENTS

Planned developments are of such substantially different character from other special use variations that specific and additional standards and exceptions are hereby established to govern the recommendations of the Zoning Board of Appeals and the action of Council.

- (a) Special Conditions. In the case of residential, business or manufacturing planned developments, the Board may recommend, and Council may authorize, that there is in part of the area of such development and for the duration of such development, specified uses not permitted by the use regulations for the district in which such development is located, provided the Board finds that:
  - 1. The uses permitted by the variation are necessary or desirable and are appropriate with respect to the primary purpose of the development;

2. The uses permitted by the special exception variation are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;
  3. Not more than twenty percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by the special exception variation;
  4. In a manufacturing planned development such additional uses allowed by special exception variation shall conform with the performance standards of the district in which the development is located as set forth herein;
  5. The special exception variation so allowed is reflected by the appropriate zoning district symbols and so recorded on the Zoning District Map.
- (b) Bulk Regulations. In the case of any planned development, the Board may recommend and Council may authorize variations to the applicable bulk regulations of this Zoning Ordinance within the boundaries of such development, provided the Board finds that:
1. Such variation shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of the development, as well as of neighboring properties, than would be obtained under the bulk regulations of this Zoning Ordinance for buildings developed on separate zoning lots;
  2. The overall minimum lot area or maximum lot coverage of a residential planned development would not exceed by more than fifteen percent the requirements for individual uses in the district in which such planned development is located;
  3. The minimum lot area per dwelling unit requirements herein shall not be decreased by more than fifteen percent in any such development containing residential uses, and that there shall be available to each residential building and immediately adjacent thereto, including the land area upon which it is erected, the minimum amount of land area required for such building under the lot area per dwelling unit provisions of this Zoning Ordinance.
  4. Spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this Ordinance on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys; and
  5. Along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which the development is located. . (Ord. 10-16-67. Passed 11-20-67.)

#### 1113.07 CONDITIONS AND GUARANTEES FOR SPECIAL EXCEPTION VARIATION

Prior to the granting of any special use variation, the Zoning Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location,

construction, maintenance and operation of the special exception variation as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein. In all cases in which special exception variations are granted, the Zoning Board of Appeals shall require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being and will be, complied with. (Ord. 10-16-67. Passed 11-20-67.)

#### 1113.08 EFFECT OF DENIAL OF SPECIAL EXCEPTION VARIATION

No application for a special exception variation which has been denied wholly or in part by Council shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals. (Ord. 10-16-67. Passed 11-20-67.)

#### 1113.09 REVOCATION OF SPECIAL EXCEPTION VARIATION

In any case where a special exception variation has not been established within one year after the date of granting thereof, then without further action by the Zoning Board of Appeals, the special exception variation authorization shall be void. (Ord. 10-16-67. Passed 11-20-67.)

#### 1113.10 CHANGE OF ZONING ORDINANCE PROHIBITED

Nothing contained in this chapter shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or any use district made a part of the Zoning Map; such power and authority is reserved to Council. The Board shall not have any power or authority with respect to any alterations or change of the Zoning Ordinance except to make recommendations in such specific cases as may properly come before the Board. (Ord. 10-16-67. Passed 11-20-67.)

#### 1113.11 TIME LIMIT FOR INITIATION OF USE VARIATION

No order for a use variation permitting the erection or alteration of a building shall be valid for a period longer than one year unless such use is established within such period; however, where such permitted use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a permit for the erection or alteration is obtained within such period and the erection or alteration is started and proceeds to completion in accordance with the terms of such permit. (Ord. 10-16-67. Passed 11-20-67.)

#### 1113.12 STAY OF PROCEEDINGS

The appeal shall stay all proceedings and furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property; in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, with notice to the officer from whom the appeal is taken, and all due causes shown. (Ord. 10-16-67. Passed 11-20-67.)

### 1113.13 ZONING VARIATION PROCEDURE

- (a) When circumstances arise which create a condition requiring the submission of a request for a variation to the Zoning Board of Appeals it is important to enable the Board to intelligently review the situation, that the facts and circumstances under which the request is submitted be fully presented to the Board in the application.
- (b) To assist an applicant in the preparation of a request for a variation there are sections which relate to requesting an ordinary variation and to requesting a special exception variation;
- (c) Persons desiring to submit a request for a zoning variation should be given an application form to complete along with a copy of the appropriate section to assist him or her in its preparation.
- (d) In the case where a planned development application is to be submitted, the Board should be requested to specify the type of application that should be submitted.
- (e) In any instance the Board may require the submission of such additional facts, details and information as it considers necessary to assist the Board in reaching an appropriate decision. (Adopting Ordinance)

**CHAPTER 1115**  
**Amendments**

1115.01 Petition for amendment; fee.

1115.02 Notice and hearing.

**CROSS REFERENCES**

Charter provisions re planning and zoning –see CHTR. Art. IX, §3.00 C., D.

Zoning fees by Council action—see P. & Z. 1111.05

Request for exceptions for Retirement Districts—see P. & Z. 1135.02

Rezoning parks and open spaces—see P. & Z. 1151.09

Nonconforming building or use caused by rezoning—see P. & Z. 1153.03

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**1115.01 PETITION FOR AMENDMENT; FEE.**

Council, the Planning Commission and other governmental bodies and any private petitioner

**1115.02 NOTICE AND HEARING.**

Before any amendments to this Zoning Ordinance may be passed, Council shall hold a public hearing and shall give at least thirty-days notice of the time and place thereof in a newspaper of general circulation in the city. If the amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor’s current tax list or the Treasurer’s mailing list and to such other list or lists as may be specified by Council. During such thirty days the text or a copy of the text of the amendment, together with the maps or plans or copies thereof forming part of or referred to in such proposed amendment, and the maps, plans and reports submitted by the Planning Commission or officer shall be on file, for public examination, in the office of the Clerk of Council. No such ordinance, measure or regulation which violates, differs from or departs from the plan or report submitted by the Planning Commission, Zoning Board of Appeals or officer shall take effect unless passed or approved by not less than a majority of the membership of Council except as otherwise provided by Article IX, Section 3.00 (C)(4) of the Charter. (Ord. 10-16-67. Passed 11-20-67; Ord. 77-2. Passed 3-21-77.)

**TITLE THREE—ZONING DISTRICTS AND GENERAL REGULATIONS**

**Chapter**

<b>1121</b>	<b>Districts Established; Zoning Map</b>
<b>1123</b>	<b>F-1 Flood Plain District</b>
<b>1125</b>	<b>R-1 One-Family Residence District</b>
<b>1127</b>	<b>R-2 One-Family Residence District</b>
<b>1129</b>	<b>R-3 One-Family Residence District</b>
<b>1131</b>	<b>R-4 General Residence District</b>
<b>1133</b>	<b>R-5 General Residence District</b>
<b>1135</b>	<b>RCD-1 and RCD-2 Retirement Community Districts</b>
<b>1137</b>	<b>RCD-2 Retirement Community District (Repealed)</b>
<b>1139</b>	<b>B-1 Restricted Business District</b>
<b>1141</b>	<b>B-2 General Business District</b>
<b>1143</b>	<b>M-1 Limited Manufacturing District</b>
<b>1145</b>	<b>M-2 General Manufacturing District</b>
<b>1147</b>	<b>M-3 Heavy Industrial District</b>
<b>1149</b>	<b>Historic Preservation District</b>

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Chapter 1121  
Districts Established; Zoning Map

1121.01	Districts designated
1121.02	Zoning Map
1121.03	District Boundaries
1121.04	Zoning of Streets, alleys, public ways, waterways and railroad rights of way

## CROSS REFERENCES

Zoning Map defined—see P. & Z. 1107.103

Combining contiguous parcels in one ownership—see P. & Z. 1151.07(a)

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### 1121.01 DISTRICTS DESIGNATED.

For purpose and provisions of this Zoning Ordinance, the City is hereby organized into fourteen districts, as follows:

F-1	Flood Plain District
R-1	One-Family Residence District
R-2	One-Family Residence District
R-3	One-Family Residence District
R-4	General Residence District
R-5	General Residence District
R-6	To be defined
RCD-1	Retirement Community District
RCD-2	Retirement Community District
B-1	Restricted Business District
B-2	General Business District
M-1	Limited Manufacturing District
M-2	General Manufacturing District
M-3	Heavy Industrial District.

(Ord. 10-16-67. Passed 11-20-67; Ord. 11-04-68. Passed 12-02-68.)

### 1121.02 ZONING MAP

The boundaries of the zoning districts heretofore designated are hereby established as shown on the map entitled Official Zoning Map, January, 1973, revised July, 1974, which Map accompanies and is made a party of original Ordinance 77-10, passed June 6, 1977, and shall have the same force and effect as if the Zoning Map, together with all notations, references and other information shown thereon, were fully set forth and described herein. (Ord. 77-10. Passed 06-06-77.)

### 1121.03 DISTRICT BOUNDARIES

Whenever uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- (a) District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended otherwise indicated.
- (b) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section or division lines, or center lines of streets, highways or railroad rights of way unless otherwise indicated.
- (c) Where a lot held in one ownership and of record on the effective date of this section (Ordinance 10-16-67, passed November 20, 1967) is divided by a

district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than twenty-five feet. (Ord. 10-16-67. Passed 11-20-67.)

1121.04            ZONING OF STREETS, ALLEYS, PUBLIC WAYS, WATERWAYS  
                         AND RAILROAD RIGHTS OF WAY

All streets, alleys, public ways, waterways and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways or waterways and railroad rights of way. Where the center line of a street, alley, public way, waterway or railroad right of way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the center line. (Ord. 10-16-67. Passed 11-10-67.)

## CHAPTER 1123

### F-1 Flood Plain District

- |                    |                                   |
|--------------------|-----------------------------------|
| 1123.01 Purpose.   | 1123.03 Conditions of use         |
| 1123.02 Permitted. | 1123.04 Flood Plain fringe areas. |

#### CROSS REFERENCES

- Zoning Administrator as enforcement officer – see P. & Z. 1109.01  
Interpretation of district boundaries – see P. & Z. 1121.03, 1121.04  
Permitted yard obstructions – see P. & Z. 1151.05  
Special permitted use decisions – see P. & Z. 1151.14  
Agricultural structure exemption – see P. & Z. 1151.15

#### 1123.01 PURPOSE.

The F-1 District is created to protect the public health and to reduce the financial burdens imposed on the City, its governmental units and its individuals, which may result from improper use of lands having excessively high water tables or are subject to frequent and periodic floods. The boundaries of this district have been determined from the data in the office of the Division of Water, Ohio Department of National Resources. As such lands are adequately drained or sufficiently protected from the risk of overflow they shall be removed from the Flood Plain District and reclassified into an appropriate use district.

Such determination and reclassification shall be made by Council in accordance with Chapter 1115. ( Ord. 10-16-67. Passed 11-20-67.)

#### 1123.02 PERMITTED USES.

In the F-1 District the following uses are permitted:

- (a) Open-type uses, such as loading and unloading areas, parking lots, storage of motor vehicles, new and used, for not more than twenty-four hour periods, and gardens, auxiliary to uses permitted in any adjoining district.
- (b) Storage yards for equipment and materials in movable containers and not subject to major damage by flood, provided such uses are permitted in an adjoining district, but not including acids, caustics, flammable liquids, trash, rags, bottles, scrap metal or any other materials commonly referred to as “junk.”
- (c) Open-type public and private recreational facilities, such as public parks, forest preserves, golf clubs, golf driving ranges, drive-in theaters, recreational lakes and other similar recreational uses, subject to all other provisions of this Zoning Ordinance.
- (d) Agricultural uses, including farming, grazing and livestock raising, provided such uses are permitted in an adjoining district.
- (e) Any other uses customarily accessory or incidental to the above uses.

- (f) Planned single-family residential developments in unsubdivided areas only, provided that subsequent conditions of use have been satisfied.
- (g) Single-family residences on lots of record prior to the effective date of this section (Ordinance 10-16-67, passed November 20, 1967), provided that subsequent conditions of use have been satisfied. (Ord. 10-16-67. Passed 11-20-67.)

#### 1123.03 CONDITIONS OF USE.

In F-1 Districts, the following conditions of use shall pertain:

- (a) No filling of land shall be permitted except where approved by the planning Commission and subject to such conditions as may be stipulated to protect the public interest.
- (b) The natural drainage grade shall not be substantially altered.
- (c) Any structures permitted shall be placed on the lot so as to offer the minimum obstruction to the flow of water and shall be firmly anchored to prevent the structure from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream.
- (d) Where, in the opinion of the Planning Commission, topographic data, engineering and other studies are needed to determine the effects of flooding on a proposed structure or the effect of the structure on the flow of water, the Planning Commission may require the applicant to submit such data or other studies prepared by competent engineers or other technicians.
- (e) All uses permitted shall be subject to approval of the Planning Commission and to such conditions as may be stipulated to protect the public interest.
- (f) No basement or other floor shall be constructed below ground level.
- (g) Planned single-family residential developments, where permitted, shall contain adequate storm drainage or other facilities capable of protecting the area from flooding.
- (h) All planned single-family residential developments shall be subject to the final approval of the City, based on recommendations from the Planning Commission that all of the requirements of this chapter have been complied with.
- (i) No building or structure shall be erected and no existing building or structure shall be moved unless the main floor elevation of the building or structure is established with a finished floor elevation not less than three feet above the highest known flood elevation. (Ord. 10-16-67. Passed 11-20-67.)

#### 1123.04 FLOOD PLAIN FRINGE AREAS.

Areas lying outside of and adjacent to the Flood Plain Districts, as shown on the Zoning Map, shall be subject to the following regulations:

- (a) No basement floor or other floor shall be constructed below or at a lower elevation than the main floor.

- (b) Land may be filled within the flood plain fringe areas provided such fill shall extend at least twenty-five feet beyond the limits of any structure erected thereon.
- (c) Foundations of all structures shall be designed to withstand flood conditions at the site. (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1125  
R-1 One-Family Residence District

- |                             |                                   |
|-----------------------------|-----------------------------------|
| 1125.01 Permitted uses.     | 1125.05 Lot coverage              |
| 1125.02 Off-street parking. | 1125.06 Maximum floor area ratio. |
| 1125.03 Lot size.           | 1125.07 Signs.                    |
| 1125.04 Yards.              |                                   |

CROSS REFERENCES

- Accessory building and use defined – see P. & Z. 1107.03  
Curb level defined – see P. & Z. 1107.18  
Gross floor area and ratio definitions and measurement – see P. & Z. 1107.32, 1107.33  
Lot definitions and measurement – see P. & Z. 1107.42 et seq.  
Sign definitions – see P. & Z. 1107.77 et seq.  
Variations and special exception permits – see P. & Z. 1113.04 et seq.  
Maintenance responsibility for required yards and open spaces – see P. & Z. 1151.01  
Permitted yard obstructions – see P. & Z. 1151.05  
Additional requests for special accessory buildings – see P. & Z. 1151.10  
M-1 performance standards applicable to residence districts – see P. & Z. 1151.12  
Agricultural structure exemption – see P. & Z. 1151.15

1125.01 PERMITTED USES.

In an R-1 District the following uses are permitted:

- (a) One-family detached dwellings.
- (b) Lands and buildings used for agricultural purposes.
- (c) Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the standards and produce on display are located ten feet back from the nearest right-of-way line.
- (d) Home occupations.
- (e) Schools: public, denominational or private, elementary and high, including playgrounds, garages for school buses, athletic fields and other uses auxiliary thereto.
- (f) Churches, rectories and parish houses.
- (g) Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land of not less than two acres.
- (h) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (i) Golf courses, including ancillary uses normally provided, such as restaurants, including the sale of alcoholic beverages, residential uses for guests, manager and other employees, but not including commercially operated driving ranges or miniature golf courses; and provided that no club house or accessory building shall be located nearer than 500 feet to any dwelling on another zoning lot.

- (j) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
- (k) Signs, as permitted and regulated by Section 1125.07.
- (l) Public utility facilities, as defined by the State.
- (m) Accessory uses, including off-street parking facilities in accordance with the provisions of Chapter 1155. (Ord. 10-16-67. Passed 11-20-67.)

#### 1125.02 OFF-STREET PARKING.

Automobile parking facilities in R-1 Districts shall be provided as required in Chapter 1155. (Ord. 10-16-67. Passed 11-20-67.)

#### 1125.03 LOT SIZE

(a) Every one-family detached dwelling hereafter erected in a R-1 District shall be located on a tract of land having an area of not less than 10,000 square feet and a width at the established building line of not less than eighty feet, except as otherwise provided herein.

(b) A permitted nonresidential principal use or building in R-1 Districts, other than a public service use, shall be located on a tract of land having an area of not less than 20,000 square feet and a width at the established building line of not less than 100 feet. (Ord. 10-16-67. Passed 11-20-67.)

#### 1125.04 YARDS.

No building shall be erected or enlarged in R-1 Districts unless the following yards are provided and maintained in connection with such building, structure or enlargement:

(a) Front Yard. A front yard of not less than thirty feet, or twenty percent of the depth of the lot, whichever is less.

(b) Side Yards. A side yard on each side of the main structure of not less than eight feet, except where a side yard adjoins a street the minimum width of such yard shall not be less than fifteen feet.

(c) Rear Yard. A rear yard of not less than thirty feet. (Ord. 10-16-67. Passed 11-20-67.)

#### 1125.05 LOT COVERAGE.

Not more than thirty-five percent of the area of a zoning lot in an R-1 District may be occupied by buildings and structures, including accessory buildings. (Ord. 10-16-67. Passed 11-20-67.)

#### 1125.06 MAXIMUM FLOOR AREA RATIO.

The floor area ratio in R-1 Districts shall not exceed the following:

One-family detached dwellings shall not exceed the following:

Nonresidential uses, 1:0.

The maximum floor area ratio for special exceptions shall be established at the time the special exception permit is granted. (Ord. 10-16-67. Passed 11-20-67.)

1125.07 SIGNS.

- (a) Nameplates and Identification Signs. In R-1 Districts nameplates and identification signs are subject to the following:
- (1) Area and content: residential. There shall be not more than one nameplate not exceeding one square foot in area for each dwelling unit, indicating the name or address of the occupant or a permitted occupation. On a corner zoning lot, two such nameplates for each dwelling unit, one facing each street, shall be allowed.
  - (2) Area and content: nonresidential. For nonresidential buildings, a single identification sign, not exceeding nine square feet in area and indicating only the name and address of the building may be displayed. On a corner zoning lot, two such signs, one facing each street, may be permitted. However, no nonresidential sign shall be allowed without written authorization of the Zoning Administrator.
  - (3) Projection. No sign shall project beyond the property line into the public way.
  - (4) Height. No sign shall project higher than one story or fifteen feet above curb level, whichever is lower.
- (b) Sale and Rent Signs. “For sale” and “to rent” signs are subject to the following:
- (1) Area and number. There shall be not more than one such sign per zoning lot except that on a corner lot, two signs, one facing each street, shall be permitted. No sign shall exceed six square feet in area nor be closer than eight feet to any other zoning lot.
  - (2) Projection. No sign shall project beyond the property line into the public way.
  - (3) Height. No sign shall project higher than four feet above ground level and shall be confined to the lawn.
- (c) Signs Accessory to Parking Areas. Signs accessory to parking areas are subject to the following:
- (1) Area and number. Signs designating parking area entrances or exits are limited to one sign for each such entrance or exit and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet, shall be permitted. On a corner lot two such signs, one facing each street, shall be permitted.
  - (2) Projection. No sign shall project beyond the property line into the public way.
  - (3) Height. No sign shall project higher than seven feet above curb level.
- (d) Nonflashing Business Signs. The following nonflashing business signs are subject to the conditions specified:
- (1) Church bulletins.
    - A. Area and number. There shall be not more than one sign per zoning lot, except that on a corner lot two signs, one facing each

street, shall be permitted. No sign shall exceed sixteen square feet in area nor be closer than eight feet to any other zoning lot.

- B. Projection. No sign shall project beyond the property line into the public way.
  - C. Height. No sign shall project higher than one story or fifteen feet above curb level, whichever is lower.
- (2) Sale, rent signs. Signs advertising the sale or rental of the property on which the sign is located, or the sale of agricultural products grown or produced on the property; however, no such sign shall exceed six square feet in area.
- (3) Location. No sign shall be placed closer than ten feet to the property line, provided the Zoning Administrator may require a greater setback or other location, so that the sign shall not obstruct the view along any highway, at any intersection, private driveway, field entrance or other point of ingress or egress.
- (4) Informational and directional signs. Highway directional signs and markers shall be made and installed in accordance with the specifications of the City for announcing the location of or directing traffic to given locations including, but not limited to the following:
- A. Service areas for automobiles, food and lodging;
  - B. Business or business districts;
  - C. Public and quasi-public information signs.
- (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1127  
R-2 One-Family Residence District

- |                             |                                   |
|-----------------------------|-----------------------------------|
| 1127.01 Permitted use.      | 1127.05 Lot coverage.             |
| 1127.02 Off-street parking. | 1127.06 Maximum floor area ratio. |
| 1127.03 Lot size.           | 1127.07 Signs.                    |
| 1127.04 Yards.              |                                   |

CROSS REFERENCES

- Gross floor area and ratio definitions and measurement – see P. & Z. 1107.32, 1107.33
- Lot definitions and measurements – see P. & Z. 1107.42 et seq.
- Variations and special exception permits – see P. & Z. 1113.04 et seq.
- Permitted uses and signs in R-1 Districts – see P. & Z. 1125.01, 1125.07
- Maintenance responsibility of required yards and open spaces – see P. & Z. 1151.01
- Permitted yard obstructions – see P. & Z. 1151.05
- Additional requests for special accessory buildings – see P. & Z. 1151.10
- M-1 performance standards applicable to residence districts – see P. & Z. 1151.12
- Agricultural structure exemption – see P. & Z. 1151.15

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1127.01 PERMITTED USES.

Any use permitted in an R-1 One-Family Residence District shall be permitted in an R-2 District. (Ord. 10-16-67. Passed 11-20-67.)

1127.02 OFF-STREET PARKING.

Automobile parking facilities shall be provided in R-2 Districts as required in Chapter 1155. (Ord. 10-16-67. Passed 11-20-67.)

1127.03 LOT SIZE.

- (a) Every one-family detached dwelling hereafter erected in an R-1 District shall be located on a tract of land having an area of not less than 7,000 square feet and a width at the established building line of not less than sixty feet.
- (b) A permitted nonresidential principal use or building in an R-2 District, other than a public service use, shall be located on a tract of land having an area of not less than 20,000 square feet with a width at the established building line of not less than 100 feet. (Ord. 10-16-67. Passed 11-20-67.)

1127.04 YARDS.

No building shall be erected or enlarged in R-2 Districts unless the following yards are provided and maintained in connection with the building, structure or enlargement:

- (a) Front Yard. A front yard of not less than twenty-five feet.

- (b) Side Yards. A side yard on each side of the principal building of not less than six feet, except where a side yard adjoins a street, the minimum width of such side yard shall be increased to ten feet.
- (c) Rear Yard. A rear yard of not less than thirty feet.  
(Ord. 10-16-67. Passed 11-20-67)

1127.05 LOT COVERAGE.

Not more than thirty-five percent of the area of a zoning lot in an R-2 District may be covered by buildings or structures, including accessory buildings. (Ord. 10-16-67. Passed 11-20-67.)

1127.06 MAXIMUM FLOOR AREA RATIO.

In R-2 Districts the floor area ratio shall not exceed the following:

One-family detached dwellings, 0:5.

Nonresidential uses, 2:0.

The maximum floor area ratio for special exceptions shall be established at the time the special exception permit is applied for. (Ord. 10-16-67. Passed 11-20-67.)

1127.07 SIGNS.

The regulations governing signs in an R-1 District shall apply in an R-2 District. (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1129  
R-3 One-Family Residence District

- |                             |                                   |
|-----------------------------|-----------------------------------|
| 1129.01 Permitted uses.     | 1129.05 Lot coverage.             |
| 1129.02 Off-street parking. | 1129.06 Maximum floor area ratio. |
| 1129.03 Lot size.           | 1129.07 Signs.                    |
| 1129.04 Yards.              |                                   |

CROSS REFERENCES

- Gross floor area and ratio definitions and measurement – see P. & Z. 1107.32, 1107.33
- Lot definitions and measurements – see P. & Z. 1107.42 et seq.
- Variations and special exception permits – see P. & Z. 1113.04 et seq.
- Permitted uses and signs in R-1 Districts – see P. & Z. 1125.01, 1125.07
- Maintenance responsibility for required yards and open spaces – see P. & Z. 1151.01
- Side yard requirement exception for resubdividing zoning lot in an R-3 District – see P. & Z. 1151.02
- Permitted yard obstructions – see P. & Z. 1151.05
- M-1 performance standards applicable to residence districts – see P. & Z. 1151.12
- Agricultural structure exemption – see P. & Z. 1151.15
- Maximum number of parking spaces in an R-3 District – see P. & Z. 1155.15

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1129.01 PERMITTED USES.

Any use permitted in an R-1 One-Family Residence District shall be permitted in an R-3 District. (Ord. 10-16-67. Passed 11-20-67.)

1129.02 OFF-STREET PARKING.

Automobile parking facilities shall be provided in R-3 Districts as required or permitted in Chapter 1155. (Ord. 10-16-67. Passed 11-20-67.)

1129.03 LOT SIZE.

- (a) Every one-family detached dwelling hereafter erected in an R-3 District shall be located on a lot having an area of not less than 5,000 square feet and a width at the established building line of not less than fifty feet.
  
- (b) A permitted nonresidential principal use or building in an R-3 District other than a public service use, shall be located on a tract of land having an area of not less than 10,000 square feet with a width at the established building line of not less than seventy-five feet. (Ord. 10-16-67. Passed 11-20-67.)

1129.04 YARDS.

No building shall be erected or enlarged in R-3 Districts unless the following yards are provided and maintained in connection with the building, structure or enlargement:

- (a) Front Yard. A front yard of not less than twenty-five feet, but not less than any other residence on that street.
- (b) Side Yard. A side yard on each side of the principal building of not less than six feet, except where a side yard adjoins a street, the side yard shall not be less than seventy percent of the setback distance of the prevailing building line.
- (c) Rear Yard. A rear yard of not less than twenty-five feet. (Ord. 10-16-67. Passed 11-20-67.)

1129.05 LOT COVERAGE.

Not more than fifty percent of the area of zoning lot in an R-3 District may be covered by buildings or structures, including accessory buildings. (Ord. 10-16-67. Passed 11-20-67.)

1129.06 MAXIMUM FLOOR AREA RATIO.

In R-3 Districts the floor area ratio shall not exceed the following:

One-family detached dwelling, 0:4.

Nonresidential uses, 2:0.

The maximum floor area ratio for special exceptions shall be established at the time the special exception permit is applied for. (Ord. 10-16-67. Passed 11-20-67.)

1129.07 SIGNS.

The regulations governing signs in an R-1 District shall apply in an R-3 District. (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1131  
R-4 General Residence District

1131.01 Permitted uses.	1131.05 Lot coverage.
1131.02 Off-street parking.	1131.06 Maximum floor area ratio.
1131.03 Lot area per dwelling.	1131.07 Signs.
1131.04 Yards.	

CROSS REFERENCES

Gross floor area and ratio definitions and measurement – see P. & Z. 1107.32, 1107.33

Lot definitions and measurements – see P. & Z. 1107.42 et seq.

Variations and special exception permits – see P. & Z. 1113.04 et seq.

Permitted uses and signs in R-1 Districts – see P. & Z. 1125.01, 1125.07

Maintenance responsibility for required yards and open spaces – see P. & Z. 1151.01

Permitted yard obstructions – see P. & Z. 1151.05

M-1 performance standards applicable to residence districts – see P. & Z. 1151.12

Agricultural structure exemption – see P. & Z. 1151.15

Maximum number of parking spaces in R-4 Districts – see P. & Z. 1155.15

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1131.01 PERMITTED USES.

In an R-4 District, the following uses are permitted:

Any of the uses permitted in an R-1 Single-Family Residence District.

Two-family dwellings.

Multiple family dwellings and apartments.

One-family row dwellings, party-wall, with not more than six dwellings in a row or building. (Ord. 10-16-67. Passed 11-20-67.)

1131.02 OFF-STREET PARKING.

Automobile parking facilities shall be provided in R-4 Districts as required or permitted in Chapter 1155. (Ord. 10-16-67. Passed 11-20-67.)

1131.03 LOT AREA PER DWELLING.

- (a) Every one-family detached dwelling hereafter erected in an R-4 District shall be located on a lot having an area of not less than 6,000 square feet, and a width at the established building line of not less than sixty feet.
- (b) Every building hereafter erected in an R-4 District or altered to provide two or more dwelling units shall be located on a lot having an area of not less than 8,000 square feet and width at the required building line of not less than seventy feet, and not less than the following lot area per dwelling unit shall be provided:

<u>Dwelling Unit Type</u>	<u>Minimum Lot Area per Dwelling Unit (Square Feet)</u>
Units with 2 or more bedrooms	3,000
Units with 1 bedroom	2,000
Efficiency units	1,200

- (c) All nonresidential principal uses permitted in an R-4 District shall be located on a lot having an area of not less than 10,000 square feet and a width of not less than seventy-five feet at the building line.
- (d) Minimum lot sizes for special exceptions in R-4 Districts shall be prescribed and conditions stipulated at the time a special exception permit is authorized, but in no case shall any such lot have an area of less than 10,000 square feet. (Ord. 10-16-67. Passed 11-20-67.)

1131.04 YARDS.

No building shall be erected or enlarged in an R-4 District unless the following yards are provided and maintained:

- (a) Front Yard. For every building on a zoning lot a front yard shall be provided of not less than twenty feet, plus one additional foot of front yard for each three feet over forty feet in building height.
- (b) Side Yards. On every zoning lot, side yards shall be provided as follows:
  - (1) One-family. For one-family detached dwellings, the same regulations shall apply as in an R-2 Single-Family District.
  - (2) Two and multiple family. For two-family and multiple family dwelling units, the side yard on each side of each building shall be a minimum of ten feet in width plus an additional two feet in width for each additional story above two stories in height. On corner lots there shall be maintained a side yard of not less than fifteen feet on the side adjacent to the street which intersects the street upon which the building maintains frontage, and in the case of a reversed corner lot there shall be maintained a setback from the side street of not less than fifty percent of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen feet. No accessory building on a reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five feet to the side lot line of the adjacent lots.
  - (3) Nonresidential. On a lot improved with a nonresidential building, there shall be a side yard of not less than twelve feet on each side of the main structure and a combined total of side yards of not less than thirty feet.
- (c) Rear Yard. There shall be a rear yard of not less than thirty feet. (Ord. 10-16-67. Passed 11-20-67.)

1131.05 LOT COVERAGE.

Not more than forty percent of the area of a lot in an R-4 District may be covered by buildings and structures, including accessory buildings. (Ord. 10-16-67. Passed 11-20-67.)

1131.06 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in R-4 Districts shall be as follows:

One-family detached dwellings, 0:4.

Two-family and multiple family dwellings, 0:7.

Permitted nonresidential uses, 1:0

Special exceptions shall be as specified with the special exception permit.

(Ord. 10-16-67. Passed 11-20-67.)

1131.07 SIGNS.

The regulations governing signs in an R-1 District shall apply in an R-4 District.

(Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1133  
R-5 General Residence District

- |                                |                                   |
|--------------------------------|-----------------------------------|
| 1133.01 Permitted uses.        | 1133.05 Lot coverage.             |
| 1133.02 Off-street parking.    | 1133.06 Maximum floor area ratio. |
| 1133.03 Lot area per dwelling. | 1133.07 Signs.                    |
| 1133.04 Yards.                 |                                   |

CROSS REFERENCES

- Gross floor area and ratio definitions and measurement – see P. & Z. 1107.32, 1107.33
- Variations and special exception permits – see P. & Z. 1113.04 et seq.
- Permitted uses in R-4 Districts – see P. & Z. 1125.01, 1131.01
- Signs in R-1 Districts – see P. & Z. 1125.07
- Yards in R-4 Districts – see P. & Z. 1131.04
- Maintenance responsibility of required yards and open spaces – see P. & Z. 1151.01
- Permitted yard obstructions – see P. & Z. 1151.05
- M-1 performance standards applicable to residence districts – see P. & Z. 1151.12
- Agricultural structure exemption – see P. & Z. 1151.15

1133.01 PERMITTED USES.

Any use permitted in an R-4 District is permitted in an R-5 District.  
(Ord. 10-16-67. Passed 11-20-67.)

1133.02 OFF-STREET PARKING.

Automobile parking facilities shall be provided in R-5 Districts as required or permitted in Chapter 1155. (Ord. 10-16-67. Passed 11-20-67.)

1133.03 LOT AREA PER DWELLING.

- (a) Every one-family detached dwelling and two-family dwelling hereafter erected in an R-5 District shall be located on a lot having an area of not less than 6,000 square feet and a width at the established building line of not less than sixty feet.
- (b) Every building hereafter erected or altered in an R-5 District to provide three or more dwelling units shall be located on a lot having an area of not less than 8,000 square feet and a width at the established building line of not less than seventy feet and not less than the following lot area per dwelling unit shall be provided:

<u>Dwelling unit Type</u>	<u>Minimum Lot Area per Dwelling Unit (square feet)</u>
Units with 2 or more bedrooms	2,000
Units with 1 bedroom	1,500
Efficiency units	900

- (c) All nonresidential principal uses permitted in an R-5 District shall be located on a lot having an area of not less than 10,000 square feet with a width at the established building line not less than seventy-five feet.
- (d) Minimum lot sizes for special exceptions in R-5 Districts shall be prescribed and conditions stipulated at the time the special exception permit is authorized, but in no case shall any such lot have an area of less than 10,000 square feet. (Ord. 10-16-67. Passed 11-20-67.)

#### 1133.04 YARDS.

The following yard requirements shall apply in R-5 Districts:

- (a) Front Yard. The same regulations shall apply as required in an R-4 District.
- (b) Side Yards. The same regulations shall apply as required in an R-4 District.
- (c) Rear Yard. There shall be a rear yard of not less than twenty-five feet. (Ord. 10-16-67. Passed 11-20-67.)

#### 1133.05 LOT COVERAGE.

Not more than fifty percent of the area of a lot in an R-5 District may be covered by buildings and structures, including accessory buildings. (Ord. 10-16-67. passed 11-20-67.)

#### 1133.06 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in R-5 Districts shall be as follows:

- One-family detached dwellings, 0:4.
- Two-family dwellings, 0:7.
- Multiple family dwellings, 1:0.
- Permitted nonresidential uses, 2:0.
- Special exceptions shall be as specified with the special exception permit. (Ord. 10-16-67. Passed 11-20-67.)

#### 1133.07 SIGNS.

The same regulations governing signs in an R-1 District shall apply in an R-5 District. (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1135  
RCD-1 and RCD-2 Retirement Community District

1135.01 Purpose.	1135.06 Lot coverage.
1135.02 Permitted uses.	1135.07 Maximum floor area ratio.
1135.03 Off-street parking.	1135.08 Signs.
1135.04 Lot size.	1135.09 Exceptions.
1135.05 Yards.	

CROSS REFERENCES

Gross Floor area and ratio definitions and measurement – see

P. & Z. 1107.32, 1107.33

Lot definitions and measurements – see P. & Z. 1107.42 et seq.

Retirement Community District defined – see P. & Z. 1107.74

Permitted uses and signs in R-1 Districts – see P. & Z. 1125.01,  
1125.07

M-1 performance standards applicable to residence districts – see  
P. & Z. 1151.12

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1135.01 PURPOSE.

The RCD-1 and RCD-2 Districts are established to provide zoning regulations which will permit special consideration for facilities, services, activities, etc., deemed necessary for the general welfare of the aging residents. (Ord. 58-99. Passed 1-4-00.)

1135.02 PERMITTED USES.

Planning construction of living quarters, service and recreational facilities, etc., proven to be uniquely characteristic and conditions normal, yet peculiar to the aging persons, necessary for the comfort, health, safety and security of those residents. (Ord. 58-99. Passed 1-4-00.)

1135.03 OFF-STREET PARKING.

Automobile parking shall be provided in RCD-1 and RCD-2 Districts as required or permitted in Chapter 1155. (Ord. 58-99. Passed 1-4-00.)

1135.04 LOT SIZE.

- (a) Every one-family detached dwelling hereafter erected in an RCD-1 District shall be located on a lot having an area of not less than 5,000 square feet and a width at the established building line of not less than fifty feet.
- (b) Every one-family detached dwelling and two-family dwelling hereafter erected or altered in an RCD-2 District shall be located on a lot having an area of not less than 6,000 square feet and a width at the established building line of not less than sixty feet.
- (c) Every building hereafter erected or altered in an RCD-2 District to provide three or more dwelling units shall be located on a lot having an area of no less than 8,000 square feet and a width at the established building line of not less than

seventy feet and not less than the following lot area per dwelling unit shall be provided:

<u>Dwelling Unit Type</u>	<u>Minimum Lot Area Per Unit (square feet)</u>
Units with 2 or more bedrooms	2,000
Units with 1 bedroom	1,500
Efficiency units	900

- (d) All nonresidential principal uses permitted in an RCD-2 District shall be located on a lot having an area of not less than 10,000 square feet with a width at the established building line of not less than seventy-five feet.
- (e) Minimum lot sizes for special exceptions in RCD-1 and RCD-2 Districts shall be prescribed and conditions stipulated at the time the special exception is authorized, but in no case shall any such lot have an area of less than 10,000 square feet. (Ord. 58-99. Passed 1-4-00.)

#### 1135.05 YARDS.

No building shall be erected or enlarged in RCD-1 and RCD-2 Districts unless the following yards are provided and maintained in connection with such building, structure or enlargement:

- (a) Front Yard. A front yard of not less than twenty feet, but not less than any other residence on that street.
- (b) Side Yard. A side yard on each side of the principal building of not less than six feet, except where a garage replaces a carport, the minimum width of the side yard on the garage side will be four and one-half feet as long as there is the required six feet maintained on the adjacent side lot. Where a side yard adjoins a street, the minimum width of such side yard shall be increased to ten feet.
- (c) Rear Yard. A rear yard of not less than twenty-five feet. (Ord. 58-99. Passed 1-4-00.)

#### 1135.06 LOT COVERAGE.

Not more than fifty percent (50%) of the area of a zoning lot in an RCD-1 or RCD-2 District may be covered by building structures, including accessory buildings. (Ord. 58-99. Passed 1-4-00.)

#### 1135.07 MAXIMUM FLOOR AREA RATIO.

The floor area ratio in RCD-1 and RCD-2 Districts shall not exceed the following:

- One-family detached dwelling, 0:4.
- Two-family dwellings, 0:7.
- Multiple family dwellings, 1:0.
- Permitted nonresidential uses, 1:0.

Special exceptions shall be specified with the special exception permit. (Ord. 58-99. Passed 1-4-00.)

1135.08 SIGNS.

The regulations governing signs in RCD-1 and RCD-2 Districts shall be the same as those set forth in the R-1 District. (Ord. 58-99. Passed 1-4-00.)

1135.09 EXCEPTIONS.

Exceptions in RCD-1 and RCD-2 Districts shall be in compliance with Chapter 1113. (Ord. 58-99. Passed 1-4-00.)

CHAPTER 1137  
RCD-2 Retirement Community District

EDITOR'S NOTE: Former Chapter 1137 was repealed  
by Ordinance 58-99, passed January 4, 2000.

## CHAPTER 1139

### B-1 Restricted Business District

- |                            |                                   |
|----------------------------|-----------------------------------|
| 1139.01 Permitted uses.    | 1139.04 Maximum floor area ratio. |
| 1139.02 Conditions of use. | 1139.05 Signs.                    |
| 1139.03 Transitional yards |                                   |

### CROSS REFERENCES

- Accessory building and use defined – see P. & Z. 1107.03
  - Curb level defined – see P. & Z. 1107.18
  - Floor area ratio in R-3 Districts – see P. & Z. 1129.06
  - M-1 performance standards applicable to business districts – see P. & Z. 1151.12
  - Exempted nonconforming use in B-1 District – see P. & Z. 1153.08(b)
  - Maximum number of parking spaces in B-1 Districts – see P. & Z. 1155.15
- 

### 1139.01 PERMITTED USES.

The following uses are permitted in a B-1 District:

- Air conditioning and heating sales and service.
- Amusement establishments: bowling alleys, pool halls, dance halls, skating rinks, swimming pools and other similar places of recreation.
- Antique shops.
- Art and school supply stores.
- Art galleries and studios.
- Automobile accessory stores, where there is no driveway entrance across the sidewalk into the main building.
- Automobile service stations for the retail sale and dispensing of fuel, lubricants, Tires, batteries, accessories and supplies, including installation and minor service customarily incidental thereto; facilities for chassis and gear lubrication and for washing of not more than four vehicles are permitted only if enclosed in a building.
- Automobile sales and service shops, including painting and repairing, but not the painting or repairing of trucks, and accessory auto parts sales as an activity accessory to the principal use.
- Bakery shops, including the baking and processing of food products when prepared for retail use on the premises only.
- Battery and tire service stations.
- Banks and financial institutions, including drive-in teller facilities.
- Barber shops, beauty parlors, chiropody, massage or similar personal service shops.
- Boat showrooms, sales and service.
- Book and stationery stores.
- Camera and photographic supply shops for retail sales.
- Candy and ice cream shops.
- Carpet, rug and linoleum stores.
- Catering establishments.
- China and glassware stores.

Coin and philatelic stores.  
Costume rental shops.  
Currency exchanges.  
Custom dressmaking, millinery, tailoring or shoe repair shops, when conducted for retail sale on the premises only.  
Department stores.  
Drug stores.  
Dry goods stores.  
Dry cleaning and pressing establishments.  
Dwelling units above the first floor of business buildings, provided the floor area ratio is as required in an R-3 Residence District.  
Electrical appliance stores and repairs but not including appliance assembly or manufacturing.  
Employment agencies.  
Exterminating shops.  
Florist shops and conservatories for retail trade on the premises only  
Food, meat and fruit stores.  
Frozen food stores and food lockers.  
Furniture stores, and upholstery when conducted as a part of the retail operations and secondary to the main use.  
Furriers, when conducted for retail trade on the premises only.  
Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one-half tons capacity.  
Gift shops.  
Government offices.  
Greenhouses, retail.  
Hardware stores.  
Haberdasheries.  
Hobby stores.  
Hotels and motels, including restaurants and meeting rooms.  
Household appliance stores and repair.  
Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as a part of the retail operations and secondary to the main use.  
Jewelry and watch repair shops.  
Launderettes, automatic self-service types or hand laundries.  
Leather goods and luggage stores.  
Loan offices.  
Locksmiths.  
Machinery sales.  
Mail order establishments.  
Millinery shops.  
Musical instrument sales and repair, retail trade only.  
Newsstands.  
Offices, business and professional, including medical clinics.  
Opticians, optometrists.

Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.  
 Package liquor stores.  
 Paint and wallpaper stores.  
 Parking lots, open and other than accessory, for the storage of private passenger automobiles, and subject to the provisions of Chapter 1155.  
 Pet shops, but not including animal hospitals.  
 Photography studios, including the development of film and pictures when done as a part of the retail business on the premises  
 Physical culture and health services.  
 Plumbing and heating showrooms and shops.  
 Picture framing, when conducted for retail trade on the premises only.  
 Photo developing and processing.  
 Postal substations.  
 Public utility collection offices.  
 Radio and television repair.  
 Restaurants, tearooms or cafes, when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles.  
 Savings and loan associations.  
 Schools: music, dance, business, commercial or trade.  
 Sewing machine sales and service.  
 Shoe and hat stores, and repairing when done as a part of the retail business.  
 Signs, as regulated in Section 1139.05.  
 Sporting goods stores.  
 Taverns.  
 Telegraph offices.  
 Telephone exchanges and coin telephones, outdoor.  
 Theater, indoor.  
 Tobacco shops.  
 Toy stores.  
 Trailer sales and rental, for use with private passenger motor vehicles.  
 Travel bureaus and transportation ticket offices.  
 Typewriter and adding machine sales and service.  
 Variety stores.  
 Wearing apparel shops.  
 Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of chapter 1155.  
 All R-4 General Residence District permitted uses.  
 (Ord. 10-16-67. Passed 11-20-67; Adopting Ordinance.)

#### 1139.02 CONDITIONS OF USE.

All uses permitted in a B-1 District, except residence district uses, shall be retail establishments dealing directly with consumers and shall be subject to the following conditions:

- (a) Dwelling units and lodging rooms are not permitted below the second floor.

- (b) All business, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
- (c) There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the premises.
- (d) Such use, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. (Ord. 10-16-67. Passed 11-20-67.)

#### 1139.03 TRANSITIONAL YARDS.

Where a B-1 District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

- (a) Where lots in a B-1 District front on the street and at least eighty percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the front yard regulations for the residence district shall apply to the lots in the business district.
- (b) In a B-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use on the adjacent property in the residence district.
- (c) In a B-1 district, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use on the adjacent property in the residence district.
- (d) In a B-1 District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty feet in depth, but may begin at a height of fifteen feet or one story above grade, whichever is lower.
- (e) In a B-1 district, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residence district, a yard of not less than ten feet shall be provided.
- (f) Transitional yards shall be unobstructed from the lowest level to the sky, except as allowed in Chapter 1153. (Ord. 10-16-67. Passed 11-20-67.)

#### 1139.04 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in a B-1 District for a building or buildings on a zoning lot, including accessory buildings, shall not exceed 3:0. (Ord. 10-16-67. Passed 11-20-67.)

#### 1139.05 SIGNS.

The following signs are permitted in B-1 Districts:

- (a) Signs relating only to the name and use of buildings or premises upon which they are placed. Advertising signs and outdoor billboards advertising products or matters not related to the occupancy and use of the premises shall not be permitted.

(b) Signs attached to a building or buildings shall not project more than eighteen inches from the wall upon which they are attached. Signs must be attached to parapet walls or other wall surfaces made apart of the main structure. Signs erected on a separate superstructure attached to the roof of the building or to any other part of the building above the roof line shall not be permitted. No sign shall project higher than four feet above the parapet line or the roof line, whichever is higher.

(c) The gross surface area of all business signs on a zoning lot shall not exceed in square feet of area two times the lineal frontage of such zoning lot. Each side of a building which abuts upon more than one street shall be considered as a separate frontage.

(d) For integrated shopping centers in single ownership and management, or under unified control, one additional sign may be erected not to exceed 100 square feet in area, advertising only the name and the location of the integrated shopping center.

Such sign shall be placed so as to be entirely within the property lines of the premises upon which the sign is located and the bottom edge of such sign shall be at least eight feet above the level of the ground and the overall height shall not exceed twenty feet above curb level, or above the adjoining ground level if such ground level is above the street level.

(e) No sign may be painted, pasted or similarly posted directly on the surface of any wall; nor shall any sign be permitted to be placed on any wall, fence or standard facing the side of any adjoining lot located in any residence district. Pennants, flags and other advertising devices shall not be permitted.

(f) Signs attached to or hung from a marquee or canopy shall be completely within the borderline of the outer edge of the marquee or canopy, and shall in no instance be lower than eight feet above the ground or surface over which the marquee or canopy is constructed.

(g) Signs, clocks or other advertising devices erected upon standards or separate supports shall be placed so as to be entirely within the property lines of the premises upon which they are located, and no part of a sign or standard shall have a total height greater than twenty feet above the level of the street upon which it faces, or above the adjoining ground level if such ground level is above the street level, nor shall the surface of any such sign exceed an area of 100 square feet.

(h) No illuminated sign shall be of the flashing or intermittent type. Signs which may be in conflict with public traffic signals shall not be permitted. Illuminated signs shall be shaded so as not to shine on adjacent residential properties.

(i) Highway directional signs and markers, which shall be made and installed in accordance with the specifications of the city, for announcing the location of or directing traffic to given locations which include, but are not limited to, the following:

- (1) Service areas for automobiles, food and lodging.
- (2) Business or business districts.

Traffic or directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of the premises, may be maintained provided they are located within the property lines of the subject log. (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1141  
B-2 General Business District

1141.01 Permitted uses.	1141.04 maximum floor area ratio.
1141.02 Conditions of use.	1141.05 Signs.
1141.03 Yards.	

CROSS REFERENCES

- B-1 District regulations – see P. & Z. Chapter 1139
  - M-1 performance standards applicable to business districts – see P. & Z. 1151.12
  - Maximum number of parking spaces in B-2 Districts – see P. & Z. 1155.15
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1141.01 PERMITTED USES.

In a B-2 District the following uses are permitted, provided they are conducted wholly within enclosed buildings, except off-street parking and loading facilities; establishments of the drive-in type offering goods and services directly to customers waiting in parked motor vehicles, and uses specified below as permitted on an open lot:

- Any use permitted in a B-1 Business District.
- Amusement establishments, including permanent carnivals, kiddie parks, golf driving ranges, pitch and putt, miniature golf courses and other similar outdoor amusement facilities.
- Animal hospitals, kennels or pounds.
- Auction rooms.
- Automobile laundries.
- Bakeries, including the sale of bakery products to restaurants, hotels, clubs and other similar establishments when conducted as part of the retail business on the premises.
- Blueprinting and photostating establishments.
- Bicycle sales and repair.
- Building materials sales yards and storage.
- Bus passenger stations and terminals.
- Cartage and express facilities.
- Convention halls.
- Costume rental shops.
- Cutting of glass, mirror and glazing establishments.
- Dry cleaning establishments.
- Exhibition halls.
- Greenhouses, wholesale.
- Laboratories, medical, dental, research, experimental and testing, provided no production or manufacturing of products takes place and provided the performance standards of the M-1 District are complied with.
- Linen, towel, diaper and other similar supply services.
- Live bait stores.
- Model homes or garage displays.

Monument sales.  
Newspaper distribution agencies, for home delivery.  
Parcel delivery stations.  
Pawnshops.  
Printing and publishing of newspapers, periodicals, books and including letter process work.  
Radio and television broadcasting stations.  
Secondhand stores and rummage shops.  
Schools: commercial or trade, subject to the provisions of the performance standards established in M-1 Districts.  
Stadiums, auditoriums and arenas, open or enclosed.  
Storage, warehousing and wholesale establishments.  
Taxidermist shops.  
Undertaking establishments, funeral parlors or mortuaries.  
All R-4 General Residence District permitted uses. (Ord. 10-16-67. Passed 11-20-67; Adopting Ordinance.)

#### 1141.02 CONDITIONS OF USE.

All conditions of use in B-2 Districts for permitted uses shall be the same as required and apply in a B-1 Business District. (Ord. 10-16-67. Passed 11-20-67.)

#### 1141.03 YARDS.

All yard regulations in B-2 Districts shall be the same as required and apply in a B-1 Business district. (Ord. 10-16-67. Passed 11-20-67.)

#### 1141.04 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in a B-2 District shall be the same as permitted in a B-1 Business District. (Ord. 10-16-67. Passed 11-20-67.)

#### 1141.05 SIGNS.

All sign regulations for B-2 Districts shall be the same as required or permitted in a B-1 Business District. (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1143  
M-1 Limited Manufacturing District

1143.01 Permitted uses.	1143.04 Maximum floor area ratio.
1143.02 Conditions of use.	1143.05 Signs.
1143.03 Yards.	1143.06 Performance standards.

CROSS REFERENCES

Decibel defined – see P. & Z. 1107.20  
Frequency defined – see P. & Z. 1107.34  
Octave band and filter defined – see P. & Z. 1107.64, 1107.65  
Ringelmann Chart and number defined – see P. & Z. 1107.75, 1107.76  
Signs in B-1 Districts – see P. & Z. 1139.05  
M-1 performance standards applicable to all residence and business districts –  
    See P. & Z. 1151.12  
Nonconforming buildings and uses – see P. & Z. Chapter 1153

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1143.01 PERMITTED USES.

In an M-1 District the following uses are permitted:

(a) Retail and Service Uses.

Animal pounds and shelters.  
Automobile laundries.  
Automobile service stations, where the retail sale of gasoline and oil for motor vehicles, including minor services customarily incidental thereto, may be conducted out of doors. Lubrication and washing facilities, including auto laundries, are permitted only if in a completely enclosed building.  
Banks and financial institutions.  
Battery and tire service stations.  
Beverages (nonalcoholic) bottling and distributing.  
Contractor or construction buildings such as lumber, cement, electrical, refrigeration, air conditioning, masonry, painting, plumbing, roofing, heating and ventilation.  
Currency exchanges.  
Drug stores.  
Fuel sales, with storage of fuel oils, gasoline and other flammable products limited to 120,000 gallons per tank, with the total storage on a zoning lot not to exceed 500,000 gallons.  
Garages and parking lots, other than accessory, and subject to the provisions Of Chapter 1155.  
Greenhouses.  
Ice sales, linen, towel, diaper and other similar supply services.  
Restaurants, including the sale of liquor in conjunction therewith.  
Riding academies and horse stables.  
Taverns.  
Trade schools.

(b) Manufacturing and Processing Uses.

Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products except those uses involving the storage, use or manufacture of materials or products which decompose by detonation, which conform with the performance standards in Section 1143.06, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission of or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, or glare or heat, which uses include, but are not limited to, the following:

Agricultural buildings and structures.

Advertising displays.

Apparel and other products manufactured from textiles.

Art needlework and hand weaving.

Automobile laundries.

Automobile painting, upholstering, repairing, reconditioning, and body and fender repairing, when done within the confines of a structure.

Bakeries.

Beverages (nonalcoholic).

Blacksmith shops.

Books, hand binding and tooling.

Bottling works.

Brushes and brooms.

Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities or materials or equipment of similar nature.

Cameras and other photographic equipment and supplies.

Canning and preserving.

Canvas and canvas products.

Carpet and rug cleaning.

Carting, express hauling or storage yard.

Cement block manufacture.

Ceramic products, such as pottery and small glazed tile.

Cleaning and dyeing establishments.

Clothing.

Cosmetics and toiletries.

Creameries and dairies.

Dentures.

Drugs.

Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.

Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.

Electrical supplies manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation, and dry cell batteries.

Food products, processing and combining, except meat and fish, baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and

pressing.  
Fur goods, but not including tanning and dyeing.  
Glass products, from previously manufactured glass.  
Hair, felt and feather products, except washing, curing and dyeing.  
Hat bodies of fur and wool felt.  
Hosiery.  
House trailers.  
Ice, dry and natural.  
Ink mixing and packaging and inked ribbons.  
Insecticides.  
Jewelry.  
Laboratories: medical, dental, research, experimental and testing, provided there is no danger from fire or explosion or offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences.  
Laundries.  
Leather products, including shoes and machine belting.  
Luggage.  
Machine shops for tool, die and pattern making.  
Meat products  
Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing, and heat treatment.  
Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.  
Musical instruments.  
Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.  
Packing and crating.  
Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.  
Perfumes and cosmetics.  
Pharmaceutical products, compounding only.  
Plastic products, but not including the processing of the raw materials.  
Poultry and rabbits, slaughtering.  
Precision instruments, such as optical, medical and drafting.  
Products from finished materials: plastic, bone, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, precious and semiprecious stones, rubber, shell or yarn.  
Printing and newspaper publishing, including engraving and photoengraving.  
Public utility electric substations and distribution centers, gas regulation centers, and underground gas holder stations.  
Railroad rights of way and trackage, but not including classification yards, roundhouses and other similar uses.  
Railroad passenger depots.  
Repair of household or office machinery or equipment.  
Rubber products, small, and synthetic treated fabrics, such as washers, gloves, footwear, bathing caps and atomizers, excluding all rubber and

- synthetic processing.
  - Silverware, plate and sterling.
  - Soap and detergents, packaging only.
  - Soldering and welding.
  - Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets and rods.
  - Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations.
  - Storage of household goods.
  - Storage and sale of trailers, farm implements and other similar equipment on an open lot.
  - Storage of flammable liquids, fats or oil in tanks. Each of 50,000 gallons or less capacity, but only after the location and protective measures have been approved by local governing officials.
  - Textiles: spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread and cordage, but not including textile bleaching.
  - Tobacco curing and manufacturing, and tobacco products.
  - Tool and die shops.
  - Tools and hardware, such as bolts, nuts, screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous metal castings and plumbing appliances.
  - Toys.
  - Truck, tractor, trailer or bus storage yard, but not including a truck or motor freight terminal.
  - Umbrellas.
  - Upholstering (bulk), including mattress manufacturing, rebuilding and renovating.
  - Vehicles, children's such as bicycles, scooters, wagons and baby carriages.
  - Watches.
  - Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.
- Any other manufacturing establishment that can be operated in compliance with the performance standards listed in Section 1143.06 without creating objectionable noise, odor, dust, smoke, gas, fumes or vapor, and that is a use compatible with the use and occupancy of adjoining properties.
- (c) Wholesaling and warehousing.  
 Local cartage and express facilities, but not including motor freight terminals.
- (d) Public and Community Service Uses.  
 Bus terminals, bus turnarounds, bus garages, bus lots, street railway terminals or streetcar houses.  
 Electric substations.  
 Fire stations.  
 Municipal or privately owned recreation buildings or community centers.  
 Parks and recreation areas.  
 Police stations.

Sanitary landfill.  
Sewage treatment plants.  
Telephone exchanges and coil telephones, outdoor.  
Water filtration plants.  
Water pumping stations.  
Water reservoirs.

(e) Residential Uses.

Dwelling units for watchmen and their families when located on the premises where they are employed in such capacity.

(f) Miscellaneous Uses.

Accessory uses.  
Radio and television towers.  
Temporary buildings for construction purposes for a period not to exceed the duration of such construction.  
Off-street parking and loading, as permitted or required in Chapter 1155.  
(Ord. 10-16-67. Passed 11-20-67.)

#### 1143.02 CONDITIONS OF USE.

All permitted uses in an M-1 District are subject to the following conditions:

- (a) Any production, processing, cleaning, servicing, testing and repair or storage of goods, materials or products shall conform with the performance standards in Section 1143.06.
- (b) All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within 150 feet of a residence district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences, including solid doors or gates thereto, at least eight-feet high, but in no case lower in height than the enclosed storage and suitable landscaped.

However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Chapter 1155.

- (c) Uses established on the effective date of Ordinance 10-16-67, passed November 20, 1967, and by its provisions rendered nonconforming shall be permitted to continue, subject to the regulations of Section 1111.02 et seq.
- (d) Uses established after the effective date of this section (Ordinance 10-16-67, passed November 20, 1967) shall conform fully to the performance standards hereinafter set forth for the district. (Ord. 10-16-67. Passed 11-20-67.)

#### 1143.03 YARDS.

No building or structure shall hereafter be erected or structurally altered in an M-1 District unless the following yards are provided and maintained in connection with the Building:

- (a) Front Yard. On every zoning lot a front yard of not less than thirty feet in depth shall be provided. However, where lots within the same block and comprising forty percent of the frontage on the same street are already developed on the effective date of this section (Ordinance 10-16-67, passed November 20, 1967) with front yards with an average depth of less than thirty feet, then such average depth shall be the required front yard depth for such frontage in that block.
- (b) Side Yards. On every zoning lot a side yard shall be provided along each side lot line. Each side yard width shall be not less than ten percent of the lot width, but width need not exceed twenty feet. (Ord. 10-16-67. Passed 11-20-67.)

1143.04 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in M-1 Districts shall not exceed 1:5. (Ord. 10-16-67. Passed 11-020-67.)

1143.05 SIGNS.

Signs in M-1 Districts shall be permitted and governed as follows:

- (a) All signs and nameplates as permitted in a B-1 District.
- (b) Billboards, advertising signs and poster panels having a sign area not exceeding 275 square feet.
- (c) The gross area in square feet of all signs on a zoning lot shall not exceed six times the lineal feet of frontage of such zoning lot, provided the gross area of flashing signs shall not exceed three times the lineal feet of frontage of such lot.
- (d) No sign shall project higher than forty-five feet above the ground level beneath it.
- (e) No advertising sign shall be located with 500 feet of any public park of more than five acres in area, or any freeways, expressways and toll roads designated as such in the records of the governing authorities.
- (f) No advertising sign shall be located within seventy-five feet of any property located in a residential district. (Ord. 10-16-67. Passed 11-20-67.)

1143.06 PERFORMANCE STANDARDS.

Any use established hereafter in any M-1 District shall be so operated as to comply with the performance standards set forth as follows:

- (a) Noise. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American National Standards Institute, Inc. Measurements shall be made using the flat network of the sound level meter. Impulsive-type noises shall be subject to the performance standards hereinafter prescribed provided that such noises are capable of being accurately measured with sound equipment. Noises capable of being so measured, for the purpose of this Zoning Ordinance, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

At no point either on the boundary of a residence district or a business district, or at 125 feet from the nearest property line of a plant or operation, whichever

distance is greater, shall the sound pressure level of an individual operation or plant, other than the operation of motor vehicles and other transportation facilities, exceed the decibel levels at the designated octave bands shown here for the districts indicated:

Octave Band Cycles per Second	Maximum Permitted Sound Level Along Boundaries, or 125 Feet From Plant or Operation Property Line (in decibels)	
	Residence Districts	Business Districts
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1,200	49	55
1,200 to 2,400	45	51
2,400 to 4,800	41	47
Above 4,800	37	43

(b) Smoke and Particulate Matter.

- (1) No stack shall emit more than ten smoke units during any one hour, nor shall smoke of a density in excess of Ringelmann No. 2 be emitted, provided that during a single one-hour period in each twenty-four day each stack may emit up to twenty smoke units when blowing soot or cleaning fires, and during such cleaning of fires, smoke of a density of Ringelmann No. 3 may be emitted, but not for longer than four minutes each period.
- (2) No emission of smoke or particulate matter shall exceed a density of Ringelmann No. 3, except for a plume consisting entirely of condensed steam. For the purpose of grading the density of emission, the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed.
- (3) The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour.
- (4) Dust and other forms of air pollution borne by the wind from such sources as storage areas, yards, roads and so forth, within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means. The emission of particulate matter from such sources shall conform with the requirements of subparagraph (3) hereof.
- (5) In addition to the performance standards specified herein, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance.

(c) Odorous Matter. The emission of odorous matter from any property in such

concentrations as to be readily detectable at any point along the boundaries of such property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited.

- (d) Vibration. Any process or equipment which produces intense earth-shaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least 500 feet from the property boundaries on all sides, except for a property line adjoining an M-3 District, where such setback shall not be mandatory. However, in no case shall such vibrations be allowed to create a public nuisance or hazard beyond the property boundaries.
- (e) Toxic or Noxious Matter. No use on any property shall discharge across the boundaries of the property toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to other property or business.
- (f) Glare or Heat. Any operation producing intense glare or heat shall be performed within a completely enclosed building and effectively screened in such a manner as not to create a public nuisance or hazard along property boundaries.
- (g) Fire and Explosive Hazards. Fire and explosive hazards shall be controlled as follows:
  - (1) Activities involving the storage or manufacture of materials ranging from incombustible to moderate burning, as determined by the Zoning Administrator, are permitted.
  - (2) The storage, use or manufacture of materials or products ranging from free-to-active burning-to intense burning, as determined by the Zoning Administrator, is permitted under the following conditions:
    - A. All storage, use or manufacture of such materials or products shall be within completely enclosed buildings or structures having incombustible exterior walls; and
    - B. All such buildings or structures shall be set back at least forty feet from property boundaries or, in lieu thereof, shall be protected throughout by an automatic sprinkler system complying with standards for installation prescribed by the National Fire Protection Association.
  - (3) Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in M-1 Districts.
  - (4) Materials or products which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in this district, with the exception of the following, which are permitted:
    - A. Materials required for emergency or standby equipment;
    - B. Materials used in secondary processes which are auxiliary to a principal operation, such as paintspraying of finished products; and

- C. Flammable liquids and oils stored, sold and used in conjunction with the operation of any automobile service station and customarily required or used in such operation. (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1145

M-2 General Manufacturing District

- |                            |                                   |
|----------------------------|-----------------------------------|
| 1145.01 Permitted uses.    | 1145.04 Maximum floor area ratio. |
| 1145.02 Conditions of use. | 1145.05 Signs.                    |
| 1145.03 Yards.             | 1145.06 Performance standards.    |

CROSS REFERENCES

- M-1 District regulations – see P. & Z. Chapter 1143  
Permitted uses in M-3 Districts – see P. & Z. 1147.01  
Special permitted use decisions – see P. & Z. 1151.14

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1145.01 PERMITTED USES.

In an M-2 District the following uses are permitted:

Any use permitted in an M-1 District.

Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which conform to the performance standards established for this district, but not including any of the uses first listed as permitted in the M-3 Heavy Industrial District in Section 1147.01(b). (Ord. 10-16-67. Passed 11-20-67.)

1145.02 CONDITIONS OF USE.

All conditions of use for permitted uses in M-2 Districts are subject to the following conditions:

- (a) All production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in Section 1143.06.
- (b) Within 150 feet of a residence district, all business, production, servicing, processing, and storage shall take place or be within completely enclosed buildings, except that storage of materials may be open to the sky provided the storage area is enclosed with a solid wall or fence at least eight feet high.

However, within such 150 feet of a residence district, off-street loading facilities and off-street parking of motor vehicles under one and one-half ton capacity may be unenclosed, except for such screening of parking and loading facilities as may be required under the provisions of Chapter 1155. (Ord. 10-16-67. Passed 11-20-67.)

1145.03 YARDS.

All yard areas in M-2 Districts shall be the same as required in the M-1 Limited Manufacturing District. (Ord. 10-16-67. Passed 11-20-67.)

1145.04 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in M-2 Districts shall not exceed 3:0. (Ord. 10-16-67. Passed 11-20-67.)

1145.05 SIGNS.

The use of signs in M-2 Districts shall be subject to the same regulations as set forth in the M-1 Limited Manufacturing District. (Ord. 10-16-67. Passed 11-20-67.)

1145.06 PERFORMANCE STANDARDS.

Any use established hereafter in an M-2 District shall be so operated as to comply with the performance standards set forth as follows:

- (a) Noise. The performance standards governing noise in an M-1 District shall apply.
- (b) Smoke and Particulate Matter.

- (1) No stack shall emit more than twenty smoke units during any one hour, nor shall smoke of a density in excess of Ringelmann No. 2 be emitted, provided that during fire cleaning periods, each stack may emit four minutes of smoke up to thirty smoke units, twice for blowing soot and twice for cleaning fires, and during such cleaning of fires, smoke of a density of Ringelmann No. 3 may be emitted.
- (2) No emission of smoke or particulate matter shall exceed a density of Ringelmann No. 3, except for a plume consisting entirely of condensed steam. For the purpose of grading the density of emission, the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed.
- (3) The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of three pounds per acre of lot area during any one hour.
- (4) (4) Dust and other forms of air pollution borne by the wind from such sources as storage areas, yards, roads, et cetera, within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means. The emission of particulate matter from such sources shall conform with the requirements of subparagraph (3) hereof.
- (5) In addition to the performance standards specified herein, the emission of smoke or particulate matter in such manner or quantity as to be detrimental or to endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance.

- (c) Odorous Matter. The emission of odorous matter from any property in such concentrations as to be readily detectable at any point along the boundaries of such property when diluted in the ratio of one volume of odorous air to four or more volumes of clean air, or in such concentrations as to produce a public nuisance or hazard beyond the property boundaries is prohibited.

- (d) Vibration. Any process or equipment which produces intense earth-shaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least five hundred feet from the property boundaries on all sides, except for a property line adjoining an M-3 District, where such setback

shall not be mandatory. However, in no case shall such vibrations be allowed to create a public nuisance or hazard beyond the property boundaries.

- (e) Toxic or Noxious Matter. No use on any property shall discharge across the boundaries of such property toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to other property or business.
- (f) Glare or Heat. Any operation producing intense glare or heat shall be performed within an enclosure and effectively screened in such a manner as not to create a public nuisance or hazard along property boundaries.
- (g) Fire and Explosive Hazards. Fire and explosive hazards shall be controlled as follows:
  - (1) Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in M-2 Districts unless licensed by the City. However, in no case shall such materials or products be stored or manufactured within 200 feet of the boundary of any other district except an M-3 District.
  - (2) The storage, use or manufacture of materials or products ranging from incombustible to moderate burning as determined by the Zoning Administrator, is permitted.
  - (3) The storage, use or manufacture of materials or products ranging from free-to-active burning-to intense burning, as determined by the Zoning Administrator, is permitted, provided that within forty feet of the boundary of a residence or business district, the following restrictions shall apply:
    - A. All storage, use or manufacture of such materials or products shall be within completely enclosed buildings or structures having incombustible exterior walls; and
    - B. All such buildings or structures shall be protected throughout by an automatic sprinkler system complying with standards for installation prescribed by the National Fire Protection Association.
  - (4) Materials and products which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in this district, with the exception of the following, which are permitted:
    - A Materials required for emergency or standby equipment:
    - B. Materials used in secondary processes which are auxiliary to a principal operation, such as paintspraying of finished products;
    - C Flammable liquids and oils stored, sold and used in conjunction with the operation of an automobile service station and customarily required or used in such operation. (Ord. 10-16-67. Passed 11-20-67.

CHAPTER 1147  
M-3 Heavy Industrial District

1147.01 Permitted uses.	1147.04 maximum floor area ratio.
1147.02 Conditions of use.	1147.05 Signs.
1147.03 Yards.	1147.06 Performance standards

CROSS REFERENCES

Yards and signs in M-1 Districts – see P. & Z. 1143.05  
Setback requirement exception for property line adjacent to M-1 District –  
See P. & Z. 1143.06  
Fire and explosive hazards controlled in M-1 Districts – see P. & Z.  
1143.06(g)  
Permitted uses for M-2 Districts – see P. & Z. 1145.01

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1147.01 PERMITTED USES.

In an M-3 District the following uses are permitted:

- (a) Any use permitted in an M-2 District.
- (b) Production, processing, cleaning, servicing, testing and repair, including the following uses and manufacturing of the following products:
  - Automobile wrecking.
  - Asphalt and asphalt products.
  - Chemicals: including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, manufactured and natural, of an explosive nature, potash, plastic materials and synthetic resins, rayon yarn, pyroxylin, hydrochloric, picric and sulphuric acids and derivatives.
  - Coal, coke and tar products, including gas manufacturing.
  - Electric central station, power and steam-generating plants.
  - Explosives, when not prohibited by other ordinances.
  - Fertilizers.
  - Film, photographic.
  - Gelatin, glue and size (animal).
  - Incineration or reduction of garbage, offal and dead animals.
  - Linoleum and oil cloth.
  - Magnesium foundries.
  - Matches.
  - Metal and metal ores, except precious and rare metals: reduction; refining; smelting; and alloying.

Paint, lacquer, shellac, varnishes, linseed oil and turpentine.  
Petroleum products, refining such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.  
Ready-mix cement plants.  
Rubber, natural or synthetic.  
Soaps, including fat and oil rendering.  
Starch.  
Stock yards, slaughter houses and abattoirs.  
Wood, coal and bones distillation.  
Wood pulp and fiber, reduction and processing, including paper mill operations.  
Any other production, processing, cleaning, servicing, testing and repair which conforms with the performance standards established in Section 1147.06 for M-3 Districts.

- (c) Storage, including the following uses and materials or products:
    - Goods used in or produced by manufacturing activities permitted in this district.
    - Dumps and slag piles.
    - Explosives.
    - Grain.
    - Manure, peat and topsoil.
    - Petroleum and petroleum products.
  - (d) Miscellaneous uses as follows:
    - Railroad freight terminals, motor freight terminals, railroad switching and Classification yards, repair shops and roundhouses.
- (Ord. 10-16-67. Passed 11-20-67.)

#### 1147.02 CONDITIONS OF USE.

Permitted uses in M-3 Districts are subject to the following conditions:

- (a) All production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards in Section 1147.06.
  - (b) Within 150 feet of a residence district, all business, production, processing, servicing and storage shall take place or be within completely enclosed buildings or structures unless otherwise specified. Off-street parking and off-street loading facilities may be unenclosed except for such screening and improvements as may be required under the provisions of Chapter 1155.
- (Ord. 10-16-67. Passed 11-20-67.)

#### 1147.03 YARDS.

All yard areas in M-3 Districts shall be the same as required in an M-1 Limited Manufacturing District. (Ord. 10-16-67. Passed 11-20-67.0)

#### 1147.04 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in M-3 Districts shall not exceed 3:0. (Ord. 10-16-67. Passed 11-20-67.)

#### 1147.05 SIGNS.

The use of signs in M-3 Districts shall be subject to the regulations as set forth for an M-1 Manufacturing District. (Ord. 10-16-67. Passed 11-20-67.)

#### 1147.06 PERFORMANCE STANDARDS.

Any use established hereafter in an M-3 District shall be operated so as to comply with the performance standards set forth as follows:

- (a) Noise. The performance standards governing noise in an M-1 District shall apply.
- (b) Smoke and Particulate Matter.
  - (1) No stack shall emit more than thirty smoke units during one hour nor shall smoke of a density in excess of Ringelmann No. 2 be emitted, provided that during fire cleaning periods each stack may emit four minutes of smoke of a density of Ringelmann No. 3, and eight minutes of smoke of a density of Ringelmann No. 2, and during soot blowing periods, eight minutes of smoke of a density of Ringelmann No. 2.
  - (2) No emission of smoke or particulate matter shall exceed a density of Ringelmann No. 3, except for a plume consisting entirely of condensed steam. For the purpose of grading the density of emission, the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed.
  - (3) The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of eight pounds per acre of lot area during any one hour.
  - (4) Dust and other forms of air pollution borne by the wind from such sources as storage areas, yards, roads and so forth, within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
  - (5) In addition to the performance standards specified herein, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance.
- (c) Odorous Matter. The emission of odorous matter from any property in such concentrations as to create a public nuisance or hazard beyond the boundaries of such property is prohibited.
- (d) Vibration. Any process or equipment which produces intense earth-shaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least 500 feet from the boundary of any residence, business, M-1 or M-2 District unless such process or equipment is so controlled as to prevent the transmission beyond the district boundary of earth-shaking vibrations perceptible without the aid of instruments. However, in no case shall such vibrations be allowed to create a public nuisance or hazard beyond the property line.
- (e) Toxic or Noxious Matter. No use on any property shall discharge across the boundaries of such property, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to other property or business.

- (f) Fire and Explosive Hazards. Fire and explosive hazards shall be controlled as follows:
- (1) Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in an M-3 District unless licensed by the City. However, in no case shall such materials or products be stored or manufactured within 200 feet of the boundary of any other district unless otherwise authorized.
  - (2) The storage, use or manufacture of materials or products ranging from incombustible to fast burning, as determined by the Zoning Administrator, or which produce flammable or explosive vapors or gases under ordinary weather temperature is permitted. However, within 600 feet of the boundary of any other zoning district, the storage, use or manufacture of materials or products which produce flammable or explosive vapors or gases under ordinary weather temperature is not permitted with the exception of the following, which are permitted within 600 feet.
    - A. Materials required for emergency or standby equipment;
    - B. Materials used in secondary processes which are auxiliary to a principal operation, such as paintspraying of finished products;
    - C. Flammable liquids and oils stored, sold and used in conjunction with the operation of a motor vehicle service station and customarily required or used in such operation. (Ord. 10-16-67. passed 11-20-67.)

CHAPTER 1149  
Historic Preservation District

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|---------|--|---------|--|
| 1149.01 | Establishment.   | 1149.10 | Criteria for evaluation of applications for Certificates of Appropriateness. |
| 1149.02 | Public policy; purpose.  | 1149.11 | Exclusions   |
| 1149.03 | Definitions.   | 1149.12 | Designation criteria for preservation districts and listed properties.       |
| 1149.04 | Historic Preservation District boundaries.   | 1149.13 | Procedure for establishing preservation districts and listing properties.    |
| 1149.05 | Design Review Board.   | 1149.14 | Demolition permit required.  |
| 1149.06 | Organization and procedure.  | 1149.99 | Penalty.   |
| 1149.07 | Duties.  |         |  |
| 1149.08 | Limitations on issuance of building, demolition and sign permits and zoning compliance permit. |         |  |
| 1149.09 | Issuance of a Certificate of Appropriateness.  |         |  |

CROSS REFERENCES

- Local historical societies – see Ohio R.C. 149.30, 307.23 to 307.25  
Historic Site Preservation Advisory Board – see Ohio R.C. 149.301  
Ohio historical society – see Ohio R.C. 149.304  
Local planning commission powers and duties – see Ohio R.C. 713.02

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1149.01 ESTABLISHMENT.

In recognition of the need for legislation creating an institution that will provide for the protection and enhancement of the distinctive character of the Historic Preservation District of Waverly and for the objective study of alternatives to the proposed alteration or demolition of certain notable structures, works of art, objects, or areas within the City, Council hereby adopts this Historic Preservation chapter.  
(Ord. 22-79. Passed 10-15-79.)

1149.02 PUBLIC POLICY; PURPOSE.

Council, being especially mindful of the proud history of this community, and of the importance of a measure of beauty in the everyday lives of our citizens, hereby declares as a matter of public policy that the preservation, restoration, rehabilitation, and overall aesthetic improvement of certain areas, structures, objects and works of art within our community are matters of public interest. The purpose of this chapter is to:

- (a) Maintain and enhance the distinctive character of the Historic Preservation District by safeguarding the architectural integrity of the various period structures within it which creates a rare panorama of Americana, and to prevent intrusions and alterations within the District that would be incompatible within this established character;
- (b) Maintain and enhance the distinctive character of certain listed properties in the City by safeguarding the architectural integrity of the various period structures upon those listed properties;
- (c) Provide for the establishment of procedures whereby certain areas, structures, objects, and works of art of historic, architectural, or cultural importance to the community shall be safeguarded and allowed that measure of protection afforded by a thorough study of alternatives to incompatible alterations or demolition before such arts are performed:
- (d) Contribute to the economic, recreational, cultural and educational development of the City by:
  - (1) Stimulating business and attracting industry;
  - (2) Protecting and enhancing attractions to residents, tourists, and visitors;
  - (3) Stabilizing and improving property values;
  - (4) Improving the quality of life by enhancing the visual and aesthetic character, diversity and interest of the City;
  - (5) Fostering civic pride in the beauty and notable accomplishments of the past;
  - (6) Promoting the use and preservation of historic locations, architecturally significant structures, and other notable objects and sites for the education, enrichment and general welfare of the people of the City and the State. (Ord. 22-79. Passed 10-15-79.)

#### 1149.03 DEFINITIONS.

As used in this chapter:

- (a) “Alter” or “alteration” means any material change in external architectural features of any property which lies within the Historic Preservation District or has been listed under the provisions of this chapter, not including demolition, removal or construction.
- (b) “Applicant” means any owner, person, persons, association, partnership or corporation who applies for a Certificate of Appropriateness in order to undertake any environmental change on property subject to this chapter.
- (c) “Board” means the Design Review Board established under the provisions of this chapter.
- (d) “Commission” means the City Planning Commission.
- (e) “Environmental change” or “change” means any alteration, demolition, removal or construction involving any property subject to the provisions of this chapter, including signs.
- (f) “Property” means any place, building, structure, work of art, or similar object constituting a physical betterment of real property unless expressly identified as such.

- (g) “Landscaping” means the design and arrangement by planting or removal of the effects of natural scenery, including trees, flowers, shrubs, and grass, together with manmade materials or other nonliving materials or objects over a given tract of land for the purpose of creating the best practicable appearance to the land considering the use to which is to be put. For the purposes of this chapter, landscaping shall include the design and arrangement of parks, parking lots, vacant lots and other open areas, but shall not include the incidental planting and arrangement of flowers and shrubs as they relate to any single property.
- (h) “Listed property” means any property which has special character, historical, aesthetic or architectural value as part of the heritage, development or cultural characteristics of the City, State or the United States, and which has been designated as a listed property pursuant to the provisions of this chapter.
- (i) “Preservation district” means the district established by Council for the purpose of maintaining and fostering a distinctive historical, architectural, cultural or environmental character.
- (j) “Member” means any member of the Design Review Board.
- (k) “Commissioner” means any member of the Planning commission.
- (l) “Sign” means any object or device or part thereof situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images. Signs do not include the following:
  - (1) Flags of nations, or an organization of nations, states, cities fraternal, religious and civic organizations;
  - (2) Merchandise, pictures or models of products, or services incorporated in a window display;
  - (3) Time and Temperature devices not related to a product;
  - (4) National, state, religious, fraternal, professional, and civic symbols and crests;
  - (5) Works of art which in no way identify a product.
- (m) “Owner” means the owner of record and the term shall include the plural as well as the singular.
- (n) “User” means any applicant legally using any property subject to the terms of this chapter that is not owned by the user.
- (o) “Review board” means the Design Review Board established under the provisions of this chapter. (Ord. 22-79. Passed 10-15-79.)

#### 1149.04 HISTORIC PRESERVATION DISTRICT BOUNDARIES.

As established under the provisions of this Zoning Ordinance:

- (a) The Preservation District Boundaries are shown on the Zoning District map and shall include all properties within such boundary and all properties fronting on the opposite side of the street of or adjacent to any property within the Preservation District.
- (b) Property fronting on the opposite side of the boundary street or adjacent to any property within the Preservation District shall only be reviewed and regulated to

such a degree as to be reasonably compatible with those properties within the district boundary.

- (c) Any single property officially designated as qualifying by the Board and which lies outside the Historic Preservation District boundaries but within the corporation limits of the City. (Ord. 22-79. Passed 10-15-79.)

#### 1149.05 DESIGN REVIEW BOARD.

- (a) The Design Review Board, hereinafter referred to as the "Review board", shall consist of seven members. One member shall be the Chairman of the Planning Commission and one member shall be a member of Council and be designated by Council. Five members shall be appointed by the Mayor. Insofar as possible, the Board members shall have a demonstrated interest in and knowledge of historic preservation.
- (b) All members shall be citizens of Pike County, at least five of whom shall reside within the City.
- (c) Of the membership an effort should be made to nominate and appoint at least one registered architect. If the expertise is available, it is advisable to have an architectural historian as well as an historian, lawyer and/or realtor.
- (d) Each appointed member shall serve a term of two years and may be reappointed for terms of two years, except that of the initial appointments, three members shall be appointed for a one year term and may be reappointed for terms of two years.
- (e) The members shall serve without compensation from the City and may be removed for just cause by the Mayor. (Ord. 22-79. Passed 10-15-79.)

#### 1149.06 ORGANIZATION AND PROCEDURE.

As soon as convenient following their appointment to the Design Review board, the members shall meet and organize by election of a Chairman and Secretary. The Board may adopt its own rules or procedures and provide for regular and special meetings to accomplish the purpose of this chapter. A majority of the members of the Board shall constitute a quorum; however, no application for approval shall be recommended for denial except by the affirmative vote of a majority of the entire Board. (Ord. 22-79. Passed 10-15-79.)

#### 1149.07 DUTIES.

The Review Board shall have the following duties in addition to those otherwise specified in this chapter:

- (a) The Review Boards shall review and act upon all applications for this Certificate of Appropriateness as required in Section 1149.09 of this Zoning Ordinance.
- (b) The Review Boards shall conduct or cause to be conducted or assist the conduction of a continuing survey of all areas, places, buildings, structures, homes, works of art or other projects of environmental and aesthetic interest in the City which the Review Board, on the basis of information available or presented

- to it, has reason to believe are or will be eligible for designation as a listed property or preservation district. No property may be listed no preservation district shall be established except upon the approval of Council after review and recommendation by the Planning Commission.
- (c) The Review Board shall work for the continuing education for the citizens of the City with respect to the architectural and historic heritage of the City and the listed properties and preservation districts designated under the provisions of this chapter, and shall make every effort to improve the overall design and environmental awareness of the people. The Review Board shall keep a current register of all listed properties and preservation districts. All listed properties shall be given a number and a description accompanied by a photograph. The reasons for listing a property or for recommending the establishment of additional preservation districts shall be set forth in writing. This register shall be made available to Council, the Planning Commission, the Board of Zoning Appeals, the Department of Engineering, the Zoning Administrator and the public.
  - (d) The Review Board shall establish criteria, rules and regulations not otherwise included in this chapter for evaluating applications for Certificates of Appropriateness submitted to it and the manner in which they shall be processed. These criteria shall include specific considerations to be given to building materials, landscaping, designs, lighting and architectural style for properties within a preservation district and properties adjacent to preservation districts. Such criteria, rules and regulations shall not be adopted by the Review Board until after review and recommendation by the Planning Commission and approval by Council.
  - (e) The Review Board may recommend to the Planning Commission and Council legislation that would best serve to beautify, preserve, restore and develop the City. Towards these ends, the Review Board shall work with the appropriate City officials, employees, and departments, and joint meetings with such officials, employees and departments may be held for this purpose.
  - (f) The Review Board may employ on a permanent or part-time basis technical experts and such other employees as may be required to perform its duties, within the appropriations made available therefore.
  - (g) The Review Board may make recommendations to the Planning Commission and Council for additions or revisions to this Zoning Ordinance.
  - (h) The Review Board may, within its capabilities, perform such other design review-related tasks as may be required by these preservation and design review regulations and as may be requested or authorized by the Planning Commission or Council. (Ord. 22-79. Passed 10-15-79.)

**1149.08 LIMITATIONS ON ISSUANCE OF BUILDING, DEMOLITION AND SIGN PERMITS AND ZONING COMPLIANCE PERMIT.**

- (a) No permit which requires a Certificate of Appropriateness shall be issued through otherwise established procedures within a Preservation District or for any listed property except in cases coming under the section on exclusions in Section 1149.11 of these regulations, unless the application for such permit is approved

by the Review Board through the issuance of a Certificate of Appropriateness in the manner prescribed herein.

- (b) No sign permit shall be issued by the Building-Zoning Inspector or through otherwise established procedures for any sign to be attached to or erected upon any listed property unless a Certificate of Appropriateness has been issued for that sign in the manner prescribed herein. (Ord. 22-79. Passed 10-15-79.)

#### 1149.09 ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS.

- (a) When the owner of a property within the Preservation District or owner of a listed property desires to make any change other than ordinary maintenance when no color changes are involved, including the construction, reconstruction, alteration, or demolition of any property, structure, tree, sign, area, or object within a preservation district or Appropriateness from the Design Review Board, unless such property is exempt in accordance with the exclusions permitted in Section 1149.11 in these regulations. Such an exemption shall be determined by the Zoning Administrator.
- (b) Applications for Certificates of Appropriateness shall be filed with the Zoning Administrator who shall, prior to issuance of any permits, refer the application to the Review Board for approval or denial.
- (c) If a proposed change is determined to have no adverse affects on the purpose of the Preservation District or listed properties and does not violate the spirit and purpose of these preservation and Design Review Board regulations, then the Review Board shall issue a Certificate of Appropriateness.
- (d) If a proposed change is determined to have an adverse affect on the purpose of the Preservation District or listed properties and does violate the spirit and purpose of the preservation and Design Review Board regulations then the Review Board shall deny issuance of a certificate of Appropriateness.
- (e) In the case of an inappropriate change, sign or landscaping proposal, the Review Board shall attempt to work out an alternative plan with the owner or user of his representative that is acceptable to all parties. In the case of a proposed demolition, the Review Board shall attempt to find practicable alternatives to demolition.
- (f) If the Review Board is unable to work out an alternative plan that conforms to the spirit and purpose of this chapter, the owner or user, if still desiring to execute his proposal, shall make application to Zoning Board of Appeals. The Zoning Board of Appeals, functioning under its own and otherwise prescribed rules of procedure, shall consider the positions of the owner or user and the Design Review Board and may approve or deny the issuance of a Certificate of Appropriateness.
- (g) The Review Board is obligated to act as quickly as possible on all applications so as to cause as little inconvenience to the owner or user as is possible and shall attempt, where the proposed sign, change or landscaping is inappropriate, to keep the waiting period as brief as it may be so long as the owner or user negotiates with the Review Board in good faith. Where a recommendation to disapproval is made to the Planning Commission, the reasons shall be set forth in writing. (Ord. 22-79. Passed 10-15-79.)

#### 1149.10 CRITERIA FOR EVALUATION OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS.

- (a) In considering the appropriateness of any environmental changes, including signs and landscaping, the Review Board shall take into account, in addition to any other pertinent factors, the historical and architectural style and general design, arrangement, texture, material and color of the proposed change as they relate to the property in its present condition and shall also consider the relation thereof to the same or related factors in other properties, objects and areas in the immediate vicinity.
- (b) Attention shall be taken to avoid the environmentally harmful effect often created by the clash of undisguised contemporary materials such as aluminum or other metals, plastic, fiberglass, and glass improperly used with brick, stone, masonry and wood.
- (c) The Review Board shall favor the use of authentic and traditional earth colors and trim colors as opposed to colors of contemporary origin.
- (d) The Review Board shall refer to guidelines for design review for new construction, reconstruction, alteration and tree removal recommended by recognized professional organizations, as made known in their publications, including the American Society of Planning Officials, the American Institute of Planners, the American Institute of Architects or other appropriate agencies or organizations.
- (e) The Review Board shall consider the advice of those consultants whose opinion is sought by the Review Board with respect to any application for a Certificate of Appropriateness. (Ord. 22-79. passed 10-15-79.)

#### 1149.11 EXCLUSIONS.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property, area or object within a preservation district or otherwise listed under the provisions of this chapter, provided such work involves no change in material, design, texture, color or outer appearance; nor shall anything in this chapter be construed to prevent any environmental change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the proper authority acting lawfully is required for the public safety because of an unsafe or dangerous condition. However, no demolition permit shall issue, except upon certification of a registered professional engineer, that the structure is unsound or would need major reinforcement to be brought under building code structural requirements, considering a use that the building would reasonable lend itself to. (Ord. 22-79. passed 10-15-79.)

#### 1149.12 DESIGNATION CRITERIA FOR PRESERVATION DISTRICTS AND LISTED PROPERTIES

In considering the designation of any area, place, building, structure, work of art or similar object in the City as a preservation district or listed property, the Review Board, Planning Commission and Council shall apply, in addition to any other available information the following criteria:

- (a) The character, interest or value of the area or property as part of the development, heritage, or cultural characteristics of the City, State of the United States.
  - (b) The location as a site of a significant historic event.
  - (c) The identification with a person or persons who significantly contributed to the culture and development of the City.
  - (d) The exemplification by the area or property of the cultural, economic, social or historic heritage of the City.
  - (e) The embodiment of distinguishing characteristics of an archetype or specimen.
  - (f) Identification as the work of an architect or notable builder whose individual work has influenced the development of the City.
  - (g) The embodiment of elements of architectural design, detail, materials or craftsmanship which represent architecture or significant character, charm or grandeur
  - (h) The relationship to other distinctive areas or structures which are eligible for preservation, according to a plan based on an historic, environmental, cultural, education or architectural theme.
  - (i) A unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.
- (Ord. 22-79. Passed 10-15-79.)

#### 1149.13 PROCEDURE FOR ESTABLISHING PRESERVATION DISTRICTS AND LISTING PROPERTIES

- (a) When a proposal to establish an historic district or to list an individual property, structure, object or work of art for protection is received by the Design Review Board or initiated by the Design Review Board, the owner or owners shall be notified by the Design Review Board and the owner's written consent obtained where possible.
- (b) The Design Review Board shall consider the proposal in terms of the criteria provided in Section 1149.12 and make a recommendation to the Planning Commission.
- (c) The Planning Commission shall review the proposal and the recommendation of the Design Review Board in terms of critical provisions in Section 1149.12, the City plan and the projected development of the community and shall make a recommendation to Council.
- (d) The City shall give due consideration to the findings and recommendations of the Design Review Board and the Planning Commission, in making its determination with respect to the proposed designation of any areas, places, buildings, structures, works of art, and other similar objects as a listed property. Council shall give notice and conduct a public hearing on any such proposed designation pursuant to Ohio R.C. 713.12. After its deliberation, Council may approve or reject the proposed landmark or preservation district designation. The Clerk of Council shall notify in writing the Design Review Board and any person having as a matter of public record a legal or equitable interest in the proposed landmark or preservation district of such decision by Council.

- (e) Upon the designation of a landmark or preservation district, the Zoning Map of the city shall be revised accordingly to indicate such changes. (Ord. 22-79. Passed 10-15-79.)

**1149.14 DEMOLITION PERMIT REQUIRED.**

No demolition of any property, as defined in Section 1149.03, or any tree removal shall be undertaken prior to obtaining a Certificate of Appropriateness from the Review Board and a demolition permit from the Zoning Administrator unless otherwise provided by law. (Ord. 22-79. Passed 10-15-79.)

**1149.99 PENALTY.**

- (a) Whoever constructs, reconstructs, alters, changes or demolishes any exterior feature of any structure, work of art, object or area in violation of this chapter, or whoever maintains, changes or installs a sign in violation of this chapter, shall be deemed in violation of the Planning and Zoning Code and such violation shall be punishable under Section 1109.99 of the Zoning Code. Each day of violation shall constitute a separate and distinct violation
- (b) Notwithstanding the provisions of subsection (a) hereof, in the event any environmental change is made by any property which has been designated a listed property or which is situated in a preservation district, in violation of the provisions of this chapter, the City may institute appropriate proceedings to prevent such unlawful environmental changes. (Ord. 22-79. Passed 10-15-79.)

TITLE FIVE – Additional Zoning Standards  
Chap. 1151. General Provisions  
Chap. 1153. Nonconforming Buildings and Uses  
Chap. 1155. Off-Street Parking and Loading  
Chap. 1157. Special Exceptions  
Chap. 1159. Family Care Facility

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CHAPTER 1151  
General Provisions

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|--|---|
| 1151.01 Yards, Courts and other open spaces.   | 1151.09 Rezoning of public and Semi-public areas.     |
| 1151.02 Division of zoning lots.               | 1151.10 Accessory buildings.                          |
| 1151.03 Location of required open space.       | 1151.11 House trailers (mobile Homes).                |
| 1151.04 Required yards for existing buildings. | 1151.12 Performance standards.                        |
| 1151.05 Permitted obstructions in yards.       | 1151.13 Existing special exceptions.                  |
| 1151.051 Private swimming pools and hot tubs.  | 1151.14 Uses not specifically permitted in districts. |
| 1151.06 Vision clearance, corner lots.         | 1151.15 Exemption of agricultural structures.         |
| 1151.07 Lot area and dimension.                |   |
| 1151.08 Access to public street.               |   |

CROSS REFERENCES

- Bulk defined – see P. & Z. 1107.14  
Appeal procedures – see P. & Z. 1113.03  
Variations and special exception permits - see P. & Z. 1113.04 et seq.  
Exempted nonconforming buildings and uses – see P. & Z. 1153.08  
Off-street parking prohibited in required front yards – see P. & Z. 1155.13  
Schedule of parking requirements – see P. & Z. 1155.18  
Special exceptions schedule – see P. & Z. 1157.01
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1151.01 YARDS, COURTS AND OTHER OPEN SPACES.

The maintenance of yards, courts and other open spaces and the minimum lot area legally required for a building shall be a continuing obligation of the owner of the building or property on which it is locate, as long as the building

is in existence. Furthermore, no legally required yards, courts or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building. (Ord. 10-16-67. Passed 11-20-67.)

#### 1151.02 DIVISION OF ZONING LOTS.

No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located. However, with respect to the resubdivision of improved zoning lots in an R-3 District, side yard requirements shall not apply between attached buildings. (Ord. 10-16-67. Passed 11-20-67.)

#### 1151.03 LOCATION OF REQUIRED OPEN SPACE.

All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as the building or dwelling group (Ord. 10-16-67. Passed 11-20-67.)

#### 1151.04 REQUIRED YARDS FOR EXISTING BUILDINGS.

No yards now or hereafter provided for a building existing on the effective date of this section (Ordinance 10-16-67, passed November 20, 1967) shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this Zoning Ordinance for equivalent new construction. (Ord. 10-16-67. Passed 11-20-67.)

#### 1151.05 PERMITTED OBSTRUCTION IN YARDS.

The following shall not be considered to be obstructions when located in the required yards specified:

(a) All yards. In all yards:

- Open terraces not over four feet above the average level of the adjoining ground but not including a permanently roofed-over terrace or porch;
- Awnings and canopies;
- Steps, four feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley;
- Chimneys projecting eighteen inches or less into the yard;
- Arbors, trellises and flagpoles;
- Open mesh-type fences having a height of six feet or less may be used to locate property lines within the required side or rear yards in the residential districts;
- Fences, walls or latticework screens which form outside living rooms or provide necessary privacy for swimming pools or other activities, and are actual projections from the bearing walls of existing dwellings, may be extended into either the

side or the rear yard but not both yards where the fence, wall or screen has not less than fifty percent of the surface open or is a vertical type of louvered fence, which can prevent free movement of air from one or more directions and yet have more than fifty percent of its surface open when viewed on an angle from two directions, provided that:

- (1) The projection shall not prohibit the erection of an open mesh-type fence over six feet in height enclosing an elementary or high school site; and
- (2) This projection shall not limit the height, type or location of a fence, wall or other structures which are located within the build able area exclusive of the side or rear yards of the property.

(b) Front Yards. In front yards:

One-story bay windows projecting three feet or less into the yard; and Overhanging eaves and gutters projecting three feet or less into the yard.

(c) Rear Yards. In rear yards:

Enclosed, attached or detached off-street parking spaces, open off-street parking spaces;

Accessory sheds, tool rooms, and similar buildings or structures for domestic or agricultural storage;

Balconies;

Breezeways and open porches;

One-story bay windows projecting three feet or less into the yard;

Overhanging eaves and gutters projecting three feet or less into the yard;

In any residential district, no accessory building shall be nearer than five feet to the side lot line nor nearer than ten feet to any principal building unattached.

(d) Side Yards. In side yards:

Attached carports may be built to within four inches of a side line providing there is no building within four feet on the adjoining property;

Overhanging eaves and gutters projecting into the yard for a distance not exceeding forty percent of the required yard width, but in no case exceeding thirty inches.

(Ord. 10-16-67. Passed 11-20-67.)

#### 1151.51 PRIVATE SWIMMING POOLS AND HOT TUBS.

- (a) "Private swimming pool" means any in-ground or aboveground swimming, wading or other uncovered facility having more than one and one-half feet of water depth and having a surface area of 100 square feet or more.
- (b) "Hot tub" means a device with the capability of heating and/or circulating water in which one or more people soak having a surface area of at least sixteen square feet.

- (c) No private swimming pool or hot tub shall be located in any district of the City except as an accessory use to a residence and unless it complies with the following conditions and requirements:
- (1) The pool or tub is intended and is used solely for the enjoyment of the occupant and guests of the principal user of the property upon which it is located; and
  - (2) The pool or tub is not located in the front yard; and
  - (3) The location of the pool or tub complies with Section 1151.10; and
  - (4) The pool or tub or the entire yard in which either is located shall be fenced in accordance with Section 1151.05, with a minimum height of four feet, so as to prevent uncontrolled access by children from the street or adjacent properties.
- (d) No person shall install a swimming pool or hot tub in an outdoor location until a zoning permit has been issued by the Zoning Administrator, who shall review each request to determine its compliance with these regulations. (Ord. 31-95. Passed 8-1-95.)

#### 1151.06 VISION CLEARANCE, CORNER LOTS.

No building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:

- (a) Residence Districts. In residence districts, exceeding a height of three feet above the street grade within twelve feet of the intersecting street lines bordering corner lots; and
- (b) Business, Manufacturing Districts. In business or manufacturing districts, within eight feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor. (Ord. 10-16-67. Passed 11-20-67.)

#### 1151.07 LOT AREA AND DIMENSION.

- (a) Contiguous Parcels. When two or more parcels of land, each which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which it is located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- (b) Lots or Parcels of Land of Record. Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of this section (Ordinance 10-16-67, passed November 20, 1967), that does not meet the requirements for minimum lot width and area, may be used for a permitted use, provided that yards, courts or usable open spaces are not less than seventy-five percent of the minimum required dimensions or areas. (Ord. 10-16-67. Passed 11-20-67.)

#### 1151.08 ACCESS TO PUBLIC STREET.

Except as otherwise provided for in this Zoning Ordinance, every building shall be constructed for erected upon a lot or parcel of land, which abuts upon a public street unless a permanent easement of access to a public street was of record prior to the adoption of this section (Ordinance 10-16-67, passed November 20, 1967). (Ord. 10-16-67. Passed 11-2-67.)

#### 1151.09 REZONING OF PUBLIC AND SEMIPUBLIC AREAS.

An area indicated on the Zoning Map as a public park, recreation area, public school site, cemetery or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by Council, within three months after the date of application filed for rezoning. (Ord. 10-16-67. Passed 11-20-67.)

#### 1151.10 ACCESSORY BUILDINGS.

(a) Location.

- (1) Side yards. When a side yard is required, no part of an accessory building shall be located closer than five feet to the side lot line along such side yards.
- (2) Rear yards. When a rear yard is required, no part of an accessory building shall be located closer than five feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard.
- (3) Proximity to principal building. In a residence district, no detached accessory building shall be closer than ten feet to the principal building.

(b) Time of Construction. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

(c) Percentage of Required Rear Yard Occupied. No accessory building or buildings shall occupy more than forty percent of the area of a required rear yard.

(d) Height in Required Rear Yards. No accessory building or portion thereof located in a required rear yard shall exceed fifteen feet in height.

(e) Reverse Corner Lots. On a reversed corner lot in a residential district, and within fifteen feet of an adjacent property to the rear in a residence district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to sixty percent of the least depth which would be required under this Zoning Ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building shall be located within five feet or any part of the rear lot line which coincides with a side lot line or portion thereof of property in a residence district. (Ord. 10-16-67. Passed 11-20-67.)

#### 1151.11 HOUSE TRAILERS (MOBILE HOMES).

The following regulations shall apply to house trailers:

- (a) A house trailer shall not be considered an accessory use for the purpose of this Zoning Ordinance.
- (b) No house trailer shall be stored, parked or occupied for living purposes except:
  - (1) In an approved trailer park, provided that public or community sewer and water facilities are available for each trailer;
  - (2) For a period not to exceed one year on property for which a building permit for the construction of a permanent dwelling has been issued, provided that such construction is diligently carried forward to completion within such one-year period.
- (c) A house trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located only during the period of time that such construction or development is actively underway. (Ord. 10-16-67. Passed 11-20-67.)

1152.12 PERFORMANCE STANDARDS.

Any use established hereafter in any Residence or Business District shall be so operated as to comply with the performance standards set forth as follows:

- (a) Noise. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American National Standards Institute, Inc. Measurements shall be made using the flat network of the sound level meter. Impulsive-type noises shall be subject to the performance standards hereinafter prescribed provided that such noises are capable of being accurately measured with sound equipment. Noises capable of being so measured, for the purpose of this Zoning Ordinance, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

At no point either on the boundary of a residence district or a business district or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of an individual operation or plant, other than the operation of motor vehicles and other transportation facilities, exceed the decibel levels at the designated octave bands shown here for the districts indicated:

	<u>Maximum Permitted Sound Level Along Boundaries, or 125 Feet From Plant or Operation Property Line (in decibels)</u>	
<u>Octave Band Cycles per Second</u>	<u>Residence Districts</u>	<u>Business Districts</u>
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64

300 to 600	54	60
600 to 1,200	49	55
1,200 to 2,400	45	51
2,400 to 4,800	41	47
above 4,800	37	43

(Adopting Ordinance)

**1151.13 EXISTING SPECIAL EXCEPTIONS.**

When a use is classified as a special exception under this Zoning Ordinance, and exists as a permitted use at the date of adoption of this section (Ordinance 10-16-67, passed November 20, 1967), it shall be considered a legal use, without further action of Council, the Zoning Administrator or the Zoning Board of Appeals. (Ord. 10-16-67. Passed 11-20-67.)

**1151.14 USES NOT SPECIFICALLY PERMITTED IN DISTRICTS.**

When a use is not specifically listed in the section devoted to “permitted uses” it shall be assumed that such uses are hereby expressly prohibited unless by a written decision of the Board of Zoning Appeals it is determined that such use is similar to and not more objectionable than uses listed. (Ord. 10-16-67. Passed 11-20-67.)

**1151.15 EXEMPTION OF AGRICULTURAL STRUCTURES.**

The provisions of this Zoning Ordinance shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures for agricultural purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then and only then shall the provisions of this Zoning Ordinance apply. (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1153  
Nonconforming Buildings and Uses

1153.01	Continuance of use.	1153.05	Repairs and alterations.
1153.02	Discontinuance of use.	1153.06	Damages and destruction.
1153.03	Nonconforming use caused by rezoning.	1153.07	Additions and enlargements.
1153.04	Termination and removal of nonconforming structures and uses.	1153.08	Exempted buildings, uses, buildings and other structures in residence districts.
		1153.09	Conversion to special exception.

CROSS REFERENCES

Nonconforming building, use defined – see P. & Z. 1107.60, 1107.61  
Certificate for continued occupancy - see P. & Z. 1111.02  
Variations and special exception permit - see P. & Z. 1113.04  
Special permitted use decisions - see P. & Z. 1151.14  
Agricultural Structure exemption - see P. & Z. 1151.15  
Off-street parking and loading for reconstructed nonconforming building - see P. & Z. 1155.05

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1153.01 CONTINUANCE OF USE.

- (a) Any lawfully established use of a building or land, on the effective date of Ordinance 10-16-67, passed November 20, 1967, or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
- (b) Any legal nonconforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- (c) Any building for which a permit has been lawfully granted prior to the effective date of Ordinance 10-16-67, passed November 20, 1967, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within ninety days and diligently prosecuted to completion. The building shall

thereafter be deemed a lawfully established building. (Ord. 10-16-67. Passed 11-20-67.)

#### 1153.02 DISCONTINUANCE OF USE.

- (a) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this Zoning Ordinance, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
- (b) Whenever a nonconforming use of a building or structure or part thereof, has been discontinued for a period of six months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformance with the regulations of the district, except whenever a nonconforming use dependent on seasonal trade has been discontinued for a period of one year, such use shall not thereafter be established and any future use shall be in conformity with the provisions herein.
- (c) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment, and the premises shall not thereafter be used in a nonconforming manner. (Ord. 10-16-67. Passed 11-20-67.)

#### 1153.03 NONCONFORMING USE CAUSED BY REZONING.

The provisions of Sections 1153.01 and 1153.02 shall also apply to buildings, structures, land, or uses which hereafter become nonconforming due to any reclassification of zones under this Zoning Ordinance or any subsequent change in the regulations of this Zoning Ordinance, and any time periods specified for discontinuance of nonconforming uses shall be measured from the date of such reclassification or change. (Ord. 10-16-67. Passed 11-20-67.)

#### 1153.04 TERMINATION AND REMOVAL OF NONCONFORMING USES, BUILDINGS AND OTHER STRUCTURES IN RESIDENCE DISTRICTS.

The period of time during which the following nonconforming uses of buildings, structures or land may continue or remain in residence districts shall be limited to two years from the effective date of Ordinance 10-16-67, passed November 20, 1967, or of any amendment thereto which causes the use to be nonconforming. Every such nonconforming use shall be completely removed from the premises by the expiration date:

- (a) Any nonconforming use of a building or structure having an assessed valuation not in excess of five hundred dollars (\$500.00) on the effective date of this section (Ordinance 10-16-67, passed November 20, 1967.)
- (b) All nonconforming signs, billboards and outdoor advertising structures.
- (c) Any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building. (Ord. 10-16-67. Passed 11-20-67.)

#### 1153.05 REPAIRS AND ALTERATIONS.

- (a) Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- (b) No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:
  - (1) When the alteration is required by law;
  - (2) When the alteration will actually result in eliminating the nonconforming use;
  - (3) When a building in a residence district containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building. (Ord. 10-16-67. Passed 11-20-67.)

#### 1153.06 DAMAGE AND DESTRUCTION.

If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent or more of its replacement value at the time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. IN the event the damage or destruction is less than fifty percent of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction.

In either event, restoration or repair of the building or other structure must be started within a period of six months from the date of damage or destruction, and diligently prosecuted to completion. (Ord. 10-16-67. Passed 11-20-67.)

#### 1153.07 ADDITIONS AND ENLARGEMENTS.

- (a) A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.
- (b) No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming uses.
- (c) No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this section (Ordinance 10-16-67, passed 11-20-67.)
- (d) A building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk shall not be altered or expanded in any manner which would increase the degree or extent of the nonconformity with respect to the bulk regulations for the district in which it is located. (Ord. 10-16-67. Passed 11-20-67.)

#### 1153.08 EXEMPTED BUILDINGS, STRUCTURES AND USES.

Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of this Zoning Ordinance, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of Sections 1153.04 and 1153.05.

- (a) In any residence district, where a dwelling is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
- (b) In any residence district, where a use permitted in the B-1 District occupies ground floor space within a multiple family dwelling located on a corner lot.
- (c) In any business or manufacturing district, where the use is less distant from a residence district than that specified in the regulations for the district in which it is located.
- (d) In any district, where an established building, structure or use is nonconforming with respect to the standards prescribed in this Zoning Ordinance for any of the following:
  - (1) Floor area ratio;
  - (2) Yards: front, side, rear or transitional;
  - (3) Off-street parking or loading;
  - (4) Lot area;
  - (5) Building height;
  - (6) Gross floor area. (Ord. 10-16-67. Passed 11-20-67.)

#### 1153.09 CONVERSION TO SPECIAL EXCEPTION.

Any nonconforming use may be made a special exception by the granting of a special exception permit, as authorized in Chapter 1113. (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1155  
Off-Street Parking and Loading

1155.01 Purpose.	1155.11 Size of each parking space.
1155.02 Applicability of regulations.	1155.12 Access to parking spaces.
1155.03 Existing facilities.	1155.13 Location in yards.
1155.04 Permissive parking and loading facilities.	1155.14 Design and maintenance.
1155.05 Damage or destruction.	1155.15 Maximum number of spaces.
1155.06 Control of off-site parking facilities.	1155.16 Floor area exemptions.
1155.07 Submission of plot plan.	1155.17 Location of accessory off-street parking facilities.
1155.08 Use of parking facilities.	1155.18 Schedule of parking requirements.
1155.09 Joint parking facilities.	1155.19 Off-street loading.
1155.10 Computation of required spaces.	1155.20 Schedule of loading requirements.

CROSS REFERENCES

Gross floor area and ratio definitions and measurement – see P. & Z. 1107.32, 1107.33  
Zoning permits and certificates required – see P. & Z. 1111.01 et seq.  
Variations and special exception permit – see P. & Z. 1113.04  
House trailer restrictions – see P. & Z. 1151.11  
Nonconforming buildings and uses – see P. & Z. Ch. 1153

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**1155.01 PURPOSE.**

The purpose of this chapter is to alleviate or prevent the congestion of public streets and so promote the safety and welfare of the public by establishing minimum requirements for off-street parking, loading and unloading of motor vehicles in accordance with the use to which property is put. (Ord. 10-16-67. Passed 11-20-67.)

**1155.02 APPLICABILITY OF REGULATIONS.**

The off-street parking and loading provisions of this Zoning Ordinance shall apply as follows:

- (a) For all buildings and structures erected and all uses of land established after this effective date of this section (Ordinance 10-16-67, Passed November 20, 1967), and provided that construction is begun within one year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.
- (b) When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use

However, no building or structure lawfully erected or use lawfully established prior to the effective date of this section shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in unit of measurement shall equal not less than fifteen percent of the unit of measurement existing upon the effective date of this section, in which event parking or loading facilities as required herein shall be provided for the total increase.

- (c) Whenever the existing use of a building or structure shall be changed hereafter to a new use, parking or loading facilities shall be provided as required for such new use. However, if the building or structure was erected prior to the effective date of this section, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this Zoning Ordinance. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.03 EXISTING FACILITIES.

Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this section (Ordinance 10-16-67, passed November 20, 1967) or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements of this Zoning Ordinance for a similar new building or use. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.04 PERMISSIVE PARKING AND LOADING FACILITIES.

Nothing in this Zoning Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.05 DAMAGE OR DESTRUCTION.

For any conforming or legally nonconforming building or use which is in existence on the effective date of this section (Ordinance 10-16-67, passed November 20, 1967), which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Zoning Ordinance for equivalent new uses or construction. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.06 CONTROL OF OFF-SITE PARKING FACILITIES.

When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until the Zoning Board of Appeals has reviewed the plans and heard the applicant and made filings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.07 SUBMISSION OF PLOT PLAN.

Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this Zoning Ordinance. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.08 USE OF PARKING FACILITIES.

Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of the occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, visitors or customers of business or manufacturing establishments. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.09 JOINT PARKING FACILITIES.

Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.10 COMPUTATION OF REQUIRED SPACES.

When determination of the number of off-street parking spaces required by this Zoning Ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.11 SIZE OF EACH PARKING SPACE.

A required off-street parking space shall be at least eight and one-half feet in width and at least twenty feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven feet. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.12 ACCESS TO PARKING SPACES.

Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property nor curb cut shall exceed a width of thirty feet. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.13 LOCATION IN YARDS.

Off-street parking spaces may be located in any yard except a required front yard. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.14 DESIGN AND MAINTENANCE.

- (a) Open and Enclosed Parking Spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a residence district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special exception.
- (b) Surfacing. All open off-street parking areas, except a single parking space accessory to a one-family dwelling, shall be improved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material.
- (c) Screening and Landscaping. All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residence district, or any institutional premises, by a wall, fence or densely planted compact hedge not less than five feet nor more than seven feet in height. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located.
- (d) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
- (e) Signs. Accessory signs are permitted on parking areas.
- (f) Vehicular Repair and Service Prohibited. No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off-street parking facilities provided in a residence district. The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residence district. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.15 MAXIMUM NUMBER OF SPACES.

The total number of accessory parking spaces provided for one-family, two-family or multiple family dwellings or hotels shall not exceed that required by this Zoning Ordinance for such use or for any equivalent new use by more than fifty percent, or four spaces, whichever number is greater, in an R-3, R-4 or business district. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.16 FLOOR AREA EXEMPTIONS.

When two or more uses are located on the same zoning lot, only one exemption in terms of floor area, as set forth in the Schedule of Parking Requirements of Section 1155.18, shall be taken. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.17 LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES.

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

- (a) Residence Districts. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case at a distance in excess of 300 feet from such use.
- (b) Business and Manufacturing Districts. All required parking spaces shall be within 1,000 feet of the use served, except for spaces accessory to dwelling units (except those located in a transient hotel) which shall be within 300 feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district, except that private, free, off-street parking accessory to such use and Municipal parking lots may be allowed by special exception permit in accordance with the provisions of Chapter 1113, within 200 feet of and adjacent to any business or industrial district. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.18 SCHEDULE OF PARKING REQUIREMENTS.

For the following uses, accessory off-street parking spaces shall be provided as required hereafter. Parking spaces required on an employee bases shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

(a) Residential Uses.

One and two-family dwellings. Two parking spaces shall be provided for each dwelling unit.

Multiple family dwellings, including apartment hotels. Three parking spaces shall be provided for each two dwelling units. For lodging rooms located in an apartment hotel, one parking space shall be provided for each two lodging rooms.

Tourist courts, tourist homes, motels and motor hotels. One parking space shall be provided for each dwelling unit or lodging room.

Hotels, transient. One parking space for each dwelling unit and one parking space for each two lodging rooms shall be provided.

Lodging houses. One parking space shall be provided for each two lodging rooms, plus one space for the owner or manager.

Private clubs and lodges, with sleeping facilities for guests. One parking space shall be provided for each two lodging rooms plus parking spaces equal in number to ten percent of the capacity in person, exclusive of lodging room capacity, of such club or lodge.

House trailer camps. One parking space shall be provided for each trailer space.

(b) Retail and Service Uses.

Retail stores and banks. One parking space shall be provided for each 200 square feet of floor area in excess of 2,000 square feet. Drive-in banks or other similar drive-in establishments shall provide three stacking spaces per teller or customer service window.

Automobile service stations. One parking space shall be provided for each two employees.

Automobile laundry. Twenty stacking spaces shall be provided for each

wash rack, plus one parking space for each four employees.

Bowling alleys. Three parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses: bars, restaurants and the like.

Establishments dispensing food or beverages for consumption on the premises.

One parking space shall be provided for each 300 square feet of floor area.

Furniture and appliance stores, household equipment or furniture repair shops.

One parking space shall be provided for each 600 square feet of floor area in excess of 2,000 square feet.

Motor vehicle sales and machinery sales. One parking space shall be provided for each 300 square feet of floor area.

Theaters, indoor. One parking space shall be provided for each five seats.

Undertaking establishments, funeral parlors. Six parking spaces shall be provided for each chapel or parlor, plus one parking space for each funeral vehicle kept on the premises.

- (c) Offices: Business, Professional and Governmental. One parking space shall be provided for each 200 square feet of floor area.
- (d) Wholesale Establishments Not including Warehouses and Storage Buildings other than accessory. One parking space shall be provided for each 600 square feet of floor area in excess of 4,000 square feet.
- (e) Establishments for Production, Processing, Cleaning, Servicing, Testing or Repair. One parking space shall be provided for each two employees, plus one parking space for each vehicle used in the conduct of the enterprise.
- (f) Warehouses and Storage Buildings. One parking space shall be provided for each two employees, plus one parking space for each vehicle used in the conduct of the enterprise.
- (g) Community Service Uses.
  - Church, school, college and other institutional auditoriums. One parking space shall be provided for each three auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
  - Colleges, universities and business, professional and trade schools. One parking space shall be provided for each four students based on the maximum number of students attending classes on the premises at any one time during any twenty-four hour period.
  - Health centers, government-operated. Three parking spaces shall be provided for each staff and visiting doctor.
  - Hospitals. One parking space shall be provided for each two hospital beds, plus one parking space for each two employees other than staff doctors, plus one parking space for each doctor assigned to the staff.
  - Libraries, art galleries and museums, public. One parking space shall be provided for each 1,000 square feet of gross floor area.
  - Municipal or privately owned recreation building or community center. One

parking space shall be provided for each two employees, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.

Public utility and public service uses. One parking space shall be provided for each three employees plus spaces adequate in number, as determined by the Zoning Administrator, to serve the public.

Schools: nursery, elementary and high. One parking space shall be provided for each employee.

(h) Places of Assembly.

Stadiums; arenas; auditoriums, other than church, college or institutional school, convention halls; dance halls; exhibition halls; skating rinks; and other similar places of assembly. Parking spaces equal in number to twenty-five percent of the capacity in persons shall be provided.

(i) Miscellaneous Uses.

Fraternal, sororities and dormitories. One parking space shall be provided for each five active members, plus one space for the manager thereof.

Institutions for the care of the insane and feeble-minded. One parking space shall be provided for each staff doctor, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.

Private clubs and lodges without sleeping facilities for guests. Parking spaces equal in number to ten percent of the capacity in persons shall be provided.

Rest homes or nursing homes. One parking space shall be provided for each four beds, plus one parking space for each two employees other than staff doctors, plus one parking space for each doctor assigned to the staff.

Sanitariums, convalescent homes or institutions for the aged or for children.

One parking space shall be provided for each four beds, plus one parking space for each two employees other than staff doctors, plus one parking space for each doctor assigned to the staff.

Theaters: automobile drive-in. Reservoir parking spaces equal to ten percent of the vehicle capacity of such theaters shall be provided.

For the following uses, parking spaces shall be provided in adequate number, as determined by the Zoning Administrator, to serve persons employed or residing on the premises as well as the visiting public:

Airports or aircraft landing fields; heliports.

Convents and monasteries.

Crematories or mausoleums.

Fraternal or religious institutions.

Outdoor amusements establishments: fairgrounds, permanent carnivals, kiddie parks and other similar amusement centers.

Penal and correctional institutions.

Rectories and parish houses.

Swimming pools.

(j) Mixed uses. When two or more uses are located on the same zoning lot within the

same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals.

- (k) Other Uses. For uses not listed in this schedule, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.19 OFF-STREET LOADING.

- (a) Location. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than fifty feet to any property in a residence district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within twenty-five feet of the nearest point of intersection of any two streets.
- (b) Size. Unless otherwise specified, a required loading berth shall be at least ten feet in width by at least twenty-five feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen feet.
- (c) Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- (d) Surfacing. All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphaltic concrete or some comparable all-weather dustless material.
- (e) Vehicle Repair and Service Prohibited. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business districts.
- (f) Loading Spaces Are in Addition to Parking Spaces. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (g) Special Exceptions. For special exceptions other than prescribed for hereinafter loading berths adequate in number and size to serve such uses, as determined by the Zoning Administrator, shall be provided.
- (h) Loading Facilities for Small Buildings. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities off any adjacent alley, service drive or open space on the same lot which is accessible by motor vehicle. (Ord. 10-16-67. Passed 11-20-67.)

#### 1155.20 SCHEDULE OF LOADING REQUIREMENTS.

For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area of buildings or portions thereof devoted to such uses in the amounts shown.

## SCHEDULE OF LOADING REQUIRMENTS

Use	Gross Floor Area (Square Feet)	Required Number and Minimum Horizontal Dimensions of Berths
(a) Hospitals, sanitariums and other institutional uses	10,000 to 200,000	1 – (10 ft. x 25 ft.)
(b) Hotels, clubs and lodges, except as set forth in (e)	For each additional 200,000 or fraction thereof	1 additional (10 ft. x 25 ft.)
(c) Hotels, clubs and lodges, when containing any of the following: retail shops, convention halls, auditoriums, exhibition halls or business or professional offices(other than accessory).	10,000 to 20,000	1 – (10 ft. x 25 ft.)
	20,000 to 150,000	1 – (10 ft. x 50 ft.)
	For each additional 150,000 or fraction thereof	1 additional (10 ft. x 50 ft.)
(d) Retail stores.	5,000 to 10,000	1 – (10 ft. x 25 ft.)
(e) Establishments dispensing food or beverages for consumption on the premises.	10,000 to 25,000	2 – (10 ft. x 25 ft. ea.)
	25,000 to 40,000	2 – (10 ft. x 50 ft. ea.)
(f) Motor vehicle and machinery sales.	For each additional 200,000 or fraction thereof.	1 additional (10 ft. x 50 ft.)
(g) Wholesale establishments (but not including Warehouse and storage buildings other than accessory.)		
(h) Auditoriums, convention halls, exhibition halls, Sports arenas, stadiums.	10,000 to 20,000	1 – (10 ft. x 25 ft.)
	20,000 to 100,000	1 – (10 ft. x 25 ft.)
(i) Bowling alleys.	For each additional 100,000 or fraction thereof.	1 additional (10 ft. x 50 ft.)
(j) Banks and offices: business, professional and Governmental	10,000 to 100,000	1 – (10 ft. x 25 ft.)
	For each additional 100,000 or fraction thereof.	1 additional (10 ft. x 25 ft.)
	For each additional 500,000 or fraction thereof.	1 additional (10 ft. x 25 ft.)
(k) Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods . or products.	5,000 to 10,000	1 – (10 ft. x 25 ft.)
	10,000 to 40,000	1 additional (10 ft. x 25 ft.)
	40,000 to 100,000	2 – (10 ft. x 50 ft. ea.)
(l) Warehouses and storage buildings.	For each additional 100,000 or fraction thereof.	1 additional (10 ft. x 50 ft.)
(m) Theaters.	8,000 to 25,000	1 – (10 ft. x 25 ft.)
	For each additional 50,000 or fraction thereof.	1 additional (10 ft. x 25 ft.)
(n) Undertaking establishments and funeral parlors.	8,000 to 100,000	1 - (10 ft. x 25 ft.)
	For each additional 100,000 or fraction thereof.	1 additional (10 ft. x 25 ft.) (Ord. 10-16-67. Passed 11-20-67.)

CHAPTER 1157  
Special Exceptions

1157.01 Schedule of special exceptions.

CROSS REFERENCES

Existing special exceptions – see P. & Z. 1151.13

Variations and special exception permits – see P. & Z. 1113.04 et seq.

1157.01 SCHEDULE OF SPECIAL EXCEPTIONS.

	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3
Airports, or aircraft landing fields.	X	X	X	X			X	X	X
Blacksmith or welding shop.									
Cemeteries, including crematories and mausoleums in Conjunction therewith if not located within five hundred (500) feet of any dwelling.	X	X	X	X					
Churches, rectories and parish houses.					X	X			
Clubs or lodges (non-profit), fraternal or religious Institutions.					X	X			
Colleges and Universities, including dormitories, fraternities, sororities and other accessory buildings and structures or trade schools.	X	X	X	X	X	X	X	X	X
Filling of holes, pits or lowlands with noncombustible material free from refuse with food wastes.	X	X	X	X					
Grain elevators and storage.									
Hospitals and sanitariums.					X	X			
Institutions for the aged and for children.	X	X	X	X					
Junk yards and automobile wrecking yards, provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve (12) feet high.								X	X
Livestock depots and sales yards.					X	X			
Milk depots.									
Milk processing and distribution, including pasteurizing and manufacture of ice cream but not including the processing or manufacture of cheese.									
Mining, loading and hauling of sand, gravel, topsoil or other aggregate or minerals, including equipment, buildings or structures for screening, crushing, mixing, washing, or storage, provided that: (1) no open pit or shaft is less than three hundred (300) feet from any public road, nor less than five hundred (500) feet from an existing residence or residence district established by this ordinance; (2) all buildings or structures for the screening, crushing, washing, mixing, or storage are located not less than one thousand (1,000) feet from an existing residence or any residence district established by this ordinance; (3) the									

borders of the entire property are fenced with a solid fence or wall at least six (6) feet in height; and (4) a plan of development for the reclamation of the land is provided as part of the application for special exception.									
The plan of development shall be accompanied by a written agreement between the owner of his agent and County, and a performance bond in the amount equal to the cost of the reclamation of the land as set forth in the development plan.									
Outdoor amusement establishments, fairgrounds, carnivals, circuses, race tracks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.					X	X			
Outdoor theaters (drive-in).							X	X	X
Parks, Public or Commercial.									
Penal and Correctional Institutions.									
Philanthropic and eleemosynary institutions.	X	X	X	X					
Planned developments or institutional developments.	X	X	X	X					
Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.	X	X	X	X	X	X	X	X	X
Private recreational areas or camps, when not operated for profit.	X	X	X	X					
Public service sewage treatment plant.									
Public utility and public service uses, including: electric substation and booster stations; fire stations; police stations; public art galleries and museums; public libraries; telephone exchanges; repeater stations, micro-wave relay towers and stations, mobile transmitting towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity; bus terminals or other public transportation terminal facilities; water filtration plants; water pumping stations; water reservoir and other similar uses.	X	X	X	X	X	X			
Radio and television towers, commercial.	X	X	X	X					
Rest homes, nursing homes, hospitals and sanitariums, institutions for the aged and for children, for human beings only.	X	X	X	X					
Riding academies and stables.	X-								
Sales yards, wholesale or retail, for agricultural products, including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc.									
Sanitary land fill, when operated or supervised by the County Board of Supervisors.									X
Schools, day or nursery, public or private.	X	X	X	X					
Seasonal residential uses, summer cabins, camps and cottages season and not permanent or year-round occupancy. The lot area and width of lot for such uses shall be as specified with special exception permit but in no case shall be the lot area be less than one (1) acre.									
Stadiums, auditoriums and arenas.							X	X	X
Stone and gravel quarries and crushing, grading, washing and loading equipment and structures.								X	X

Trailer or mobile home parks, provided that public or community sewer and water facilities are available for each trailer, and that each trailer site contains not less than twenty-four hundred (2,400) square feet of area, including parking space, but not including roadways.							X		
Truck parking areas, the prime purpose of which is the loading and shipping of farm products, livestock, poultry, fertilizer, etc.									
Telephone booths.	X	X	X	X					
Hotels and motels, including non-flashing business signs which have a gross surface area of not more than one hundred (100) square feet. Said hotels or motels shall not include restaurants or cocktail lounges, or any other retail business or service establishment.				X					
Hotels and motels, including restaurants and meeting rooms.						X			
(Ord. 10-16-67. Passed 11-20-67.)									

CHAPTER 1159  
Family Care Facility

1159.01 Definition.  
1159.02 Purpose.  
1159.03 Permit required.

1159.04 Minimum requirements for  
issuance of permit.

CROSS REFERENCES

Residential care facilities – see Ohio R.C. 5123.19

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1159.01 DEFINITION.

“Family care facility” means a facility which provides room and board, personal care and continuous twenty-four hour a day on-site adult supervision for up to six individuals, exclusive of staff, who are mentally retarded, developmentally disabled, physically handicapped or aged (over sixty years of age) persons, who are able to be integrated into a family type setting and who do not require institutional care or treatment. This category is licensed by and/or has accountability to a governmental agency for the clientele served. This category does not include nursing homes, hospitals, rest homes, boarding or lodging houses, homes with up to three foster children, half-way houses for individuals released from incarceration, or facilities for drug abuse rehabilitation programs.

1159.02 PURPOSE.

The purpose of this chapter is to promote greater choice of noninstitutional housing opportunities for potential facility residents, to avoid a high concentration of residential care facilities and to establish the suitability of the requested use at the proposed location.

1159.03 PERMIT REQUIRED.

A special exception use permit shall be required for the establishment of a family care facility.

1159.04 MINIMUM REQUIREMENTS FOR ISSUANCE OF PERMIT.

The minimum requirements for issuance of a special exception use permit for a family care facility shall include, but not be limited to the following:

- (a) The facility shall be and remain architecturally compatible with other residential dwellings or structures in the immediate surrounding neighborhood.
- (b) All building, fire, safety and health regulations and laws of the State and the City shall be maintained.
- (c) No special off-street parking facilities are to be constructed or are required for residents of the facility.
- (d) The facility shall not generate traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the neighborhood where the facility is located.
- (e) The facility shall be occupied by no more than six persons, who need not be related, excluding supervisory and care staff.

- (f) The facility shall not utilize for sleeping more than forty percent (40%) of the minimum net floor area for living quarters as defined in the “Rules for Licensure” for the Ohio Department of Mental Retardation and Developmental Disabilities.
- (g) There shall be no sign identifying the dwelling as a residential care facility erected in the yard, posted in a window or mounted on the building.
- (h) No family care facility as defined in Section 1159.01 shall be located within a 3,000-foot radius of another such facility.
- (i) No facility shall be permitted to be constructed or operated until the agency, organization or institution supervising such a facility shows to the City that the facility and its operation complies with all licensing requirements of the appropriate State agency.
- (j) No facility shall be permitted in other than the following Zoning Districts: R-4, B-1 and B-2.

TITLE SEVEN – Subdivision Control  
Chap. 1181. Subdivision Regulations

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CHAPTER 1181  
Subdivision Regulations

1181.01 Adoption.

1181.03 Amendments.

1181.02 File and distribution copies.

CROSS REFERENCES

Zoning definitions – see P. & Z. Ch. 1107

Zoning enforcement and penalty – see P. & Z. Ch. 1109

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1181.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of controlling the subdivision of land within the City those certain regulations known as the Comprehensive Revision to the Subdivision Regulations of the city of Waverly, Ohio, as prepared by the Pike County Regional Planning Commission, June, 1964. (Ord. 2-8-65. Passed 2-8-65.)

1181.02 FILE AND DISTRIBUTION COPIES.

Copies of the Subdivision Regulations adopted herein are on file with the City Auditor for inspection by, and distribution to, the public as provided in Section 13.00 of Article III of the Charter.

1181.03 AMENDMENTS.

The Subdivision Regulations for the City of Waverly have been amended by the ordinances listed in the following table:

<u>Ordinance</u>	<u>Passage Date</u>
26-80	9-8-80

TITLE NINE – Land Use  
Chap. 1191. Park and Recreational Use Fees.

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CHAPTER 1191  
Park and Recreational Use Fees

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|-------------------------------------|-------------------------------|
| 1191.01 Purpose.                    | 1191.04 Schedule of fees.     |
| 1191.02 Collection and disposition. | 1191.05 Land-in-lieu of fees. |
| 1191.03 Assessment.                 |                               |

1191.01 PURPOSE.

The purpose of this chapter is to provide revenue for the specific purpose of providing funds for the purchase of land or capital improvement of or to land owned by the City. Capital improvement shall only include major buildings or equipment or landscaping of a permanent or fixed nature, for the purposes of park or recreational use of land owned by the City to be used in or near the neighborhood where the fees are collected. (Ord. 77-9. Passed 5-16-77.)

1191.02 COLLECTIONS AND DISPOSITION.

The revenues shall be collected by the City before the issuance of a building permit by the Mayor or his representative. These collected fees shall be placed in a special parks fund, and this fund shall be administered by the Park and Recreation Board for the specified uses noted in Section 1191.01, with the approval of the majority of Council. Ord. 77-9. Passed 5-16-77.)

1191.03 ASSESSMENT.

Each builder of a single family or multi-family dwelling or new subdivision development or old subdivision development or mobile home park developer or additional development of existing mobile home parks when applying for a building permit shall be assessed in accordance with the schedule in Section 1191.04. This special fee in no way relieves the payment of existing fees and permits that are in force before or after passage of this section. Ord. 77-9. Passed 5-16-77.)

1191.04 SCHEDULE OF FEES.

The schedule of fees shall be as follows:

- (a) One hundred fifty dollars (\$150.00) for each one-family dwelling;
- (b) One hundred fourteen dollars (\$114.00) for each residential dwelling unit in a two-family dwelling;
- (c) One hundred two dollars (\$102.00) for each residential dwelling unit in a multiple dwelling containing at least three residential dwelling units but not more than four residential dwelling units;
- (d) Eighty-two dollars and fifty cents (\$82.50) for each residential dwelling unit in a multiple dwelling containing at least five residential dwelling units but not more than nineteen residential dwelling units;
- (e) Fifty dollars (\$50.00) for each residential dwelling unit in a multiple dwelling containing twenty or more residential dwelling units; and

- (f) Eighty-two dollars and fifty cents (\$82.50) for each mobile home lot in a mobile home park. (Ord. 77-9. Passed 5-16-77.)

#### 1191.05 LAND-IN-LIEU OF FEES.

In all new subdivisions and special use residential developments, land-in-lieu of provisions may be acceptable and are to be considered by the Planning Commission. A majority of Council shall approve the park and recreational provision to be included in the new development. A minimum of five percent (5%) of the development excluding streets and easements, shall be plated and dedicated to the City for the specific use of parks. In small developments when land-in-lieu provisions are not practical, no less than the minimum stated in Section 1191.04 shall be assessed each developer. (Ord. 77-9. Passed 5-16-77.)

CODIFIED ORDINANCES OF WAVERLY  
PART THIRTEEN – BUILDING CODE

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Chapter 1313. Trailers and Trailer Parks.

Chapter 1323. Dish Antennas.

Chapter 1333. Signs. (Repealed)

Chapter 1343. Flood Hazard Areas.