

# Village Zoning Ordinance

No. 1975-3

PIKETON, OHIO

APRIL 30, 1975

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SECTION 1 – TITLE  
SECTION 2 – INTENT AND PURPOSE

SECTION 1 – TITLE

This ordinance, including the zoning district map made a part hereof, shall be known and may be cited and referred to as the City Zoning Ordinance.

SECTION 2 – INTENT AND PURPOSE

This 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 ordinance.

To prohibit uses, buildings or structures incompatible with the character of such districts respectively;

To prevent additions to and alterations 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;

## INTENT AND PURPOSE

To provide for the elimination of incompatible and non-conforming uses of land, buildings and structures which are adversely affecting 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.

## SECTION 3 – RULES AND DEFINITIONS

### SECTION 3 – RULES AND DEFINITIONS

#### 3.1 RULES

- 3.1-1 Words used in the present tense shall include the future; and words used in the singular Number shall include the plural number, and the plural the singular.
- 3.1-2 The word “shall” is mandatory and not discretionary.
- 3.1-3 The word “may” is permissive.
- 3.1-4 The word “lot” shall include 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” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

#### 3.2 DEFINITIONS

Abandonment. An action to give up one’s rights or interests in property.

Accessory Building or Use. An “accessory building or use” is 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 locate elsewhere than on the same zoning lot with the building or use served.

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

- a. A children’s playhouse, garden house and private greenhouse;

## RULES AND DEFINITIONS

- 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 non-paying 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. Swimming pool, private, for use by the occupant and his guests;
- i. Off-street motor car parking areas, and loading and unloading facilities;
- j. Signs (other than advertising signs) as permitted and regulated in each district incorporated in this ordinance;
- k. Carports;
- l. Public utilities facilities—telephone, electric, gas, water, and sewer lines, their supports and incidental equipment.

Automobile Service Station. A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and servicing of automobiles; but not including major automobile repairs; and including washing of automobiles where 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 sale or storage of automobiles or trailers (new or used).

Basement. 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 the purpose of height measurement.

Billboard. Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include bulletin boards used to announce church services, or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

Block. A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines or municipalities.

Buildable Area. The space remaining on a zoning lot after the minimum open space requirements of this ordinance have been complied with.

Building. 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 structures with interior areas not normally accessible for human use, such as gas holders, oil tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures, are not considered as buildings.

Building, Detached. A building surrounded by open space on the same zoning lot.

Building Height. 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.



## RULES AND DEFINITIONS

Building, Principal. A non-accessory building in which the principal use of the zoning lot, on which it is located, is conducted.

Building Setback Line. A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in the ordinance.

Bulk. The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and including 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.

Cellar. 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.

Clinic or Medical Health Center. An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.

Club or Lodge, Private. A non-profit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being 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 guest shall be allowed in conjunction with the operation of a dining room, for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable, federal, state, county and municipal laws.

## RULES AND DEFINITIONS

Curb Level. The level of the established curb in front of the building measured at the center of such front. Where a building faces 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”.

Day Nursery. A building or portion thereof used for the daytime care of preschool age children.

Decibel. A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in “decibels”.

Dwelling. A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling Unit. One or more rooms in a residential structure which are arranged, designed, used or intended to be used by one family, plus not more than four lodgers, for living or sleeping purposes, and which include complete kitchen facilities permanently installed.

Dwelling, Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached. A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, One-Family. A dwelling unit designed exclusively for use and occupancy by one family.

Dwelling, Two-Family. A building designed or altered to provide dwelling units for occupancy by two families.

Dwelling, Multiple-Family. A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

Dwelling, Row (Party-Wall). 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.

## RULES AND DEFINITIONS

Dwelling Group. Two or more one-family, two-family, or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.

Educational Institution. Public, parochial, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

Family. One or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons, (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household but not including sororities, fraternities or other similar organizations.

Floor Area, Gross (For the Purpose of Determining Floor Area Ratio). The gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings—measured from the exterior faces of exterior walls or from the center line of party walls separating two 2) buildings. In particular, “gross floor area” shall include:

- a. Basement space if at least one-half of the basement story height is above the established curb or ground level;
- b. Elevator shafts and stairwells at each floor;
- c. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7 ½) feet; except equipment, open or enclosed, located on the roof, i.e., bulkheads, water tanks and cooling towers;
- d. Attic floor space where the structural headroom exceeds seven and one-half (7 ½) feet;
- e. Interior balconies and mezzanines;
- f. Enclosed porches, but not terraces and breezeways;
- g. Accessory buildings.

Floor Area, Gross. For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several

## RULES AND DEFINITIONS

Floors of the building or portion thereof, devoted to such 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.

Floor Area Ratio (F.A.R.). 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.

Frequency. The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

Grade, Street. The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this section.

Home Occupation. 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".

## RULES AND DEFINITIONS

Hospital or Sanitarium. 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 of three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term “hospital” as used herein does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term “hospital” shall not be used for convalescent, nursing, shelter or boarding homes.

Hotel, Motel, Inn or Auto Court. 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.

Junk Yard, Including Automobile Wrecking and Storage. Any lot, building, structure, enclosure, premises or parts thereof used for the storage, keeping or abandonment of any worn out, cast off, or 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 said vehicle or automobile and to the occupant, owner, purchaser, lessor, lessee or tenant of any lot, building or structure therein or thereon situated.

Kennel. A lot, building, structure, enclosure or premises whereon or wherein 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.

Lodging or Rooming House. 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.

Lot. A parcel of land legally described as a distinct portion or piece of land of record.

## RULES AND DEFINITIONS

Lot of Record. An area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

Lot Area. The area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.

Lot, Corner. 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.

Lot, Coverage. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot Depth. The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

Lot Frontage. That boundary of a lot along a public street; for a corner lot the owner may elect either street as the front lot line.

Lot Line. 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.

Lot, Interior. A lot other than a corner or reversed corner lot.

Lot Line, Front. The front property line of a zoning lot.

Lot Line, Interior. A side lot line common with another lot.

Lot Line, Rear. The lot line or lot lines most nearly parallel to and most remote from the front lot line.

Lot Line, Side. Lot lines other than front or rear lot lines are side lot lines.

Lot, Reversed Corner. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, Through. 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.

Lot Width. 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.

Marquee or Canopy. A rooflike 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.

Nameplate. 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.

Non-Conforming Building. A building or structure, or portion thereof, lawfully existing at the time of the adoption of this resolution, 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.

Non-Conforming Use. Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this ordinance or amendments thereto, which does not conform after the passage of this ordinance, or amendments hereto with the use regulations of this ordinance.

Noxious Matter. 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 human beings.

Nursing Home or Rest Home. 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.

Octave Band. A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Octave Band Filter. 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).

Particulate Matter. Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid atmospheric pressure and temperature.

Performance Standard. 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.

## RULES AND DEFINITIONS

Planned Development. 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—40 acres; (b) for business—5 acres; (c) for industrial—20 acres; and (d) governmental—3 acres.

Principal Use. The main use of land or buildings as distinguished from a subordinate or accessory use.

Public Open Space. Any publicly-owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Public Utility. Any person, firm, corporation or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation or water.

Railroad Right-of-Way. 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.

Restaurant. Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including a café, cafeteria, coffee shop, lunch room, drive-in stand, tearoom and dining room; and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

Ringelmann Chart. A chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shade of grey for use in estimating the light-obscuring capacity of smoke.

Ringelmann Number. The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

Sign. 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.



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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, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

Sign, Advertising (Billboard). 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.

Sign, Business. 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.

Sign, Church Bulletin Board. 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.

Sign, Flashing. 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 resolution, any revolving, illuminated sign shall be considered a flashing sign.

Sign, Gross Surface Area of. The gross surface of a sign shall be 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.

Sign, Identification. 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.

Smoke Units. The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes.

For the purpose of this chart, 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.

## RULES AND DEFINITIONS

Sound Level Meter. An instrument standardized by the American Standards Association for measurement of intensity of sound.

Story. 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.

Story, Half. A half story is 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.

Stacking Requirements. For the purposes of this ordinance, stacking requirements are the number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

Street. A public way other than an alley, which affords a primary means of access to abutting property.

Street Line. A line separating a lot, piece or parcel from a street.

Structure. 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.

Toxic Materials. A substance (liquid, solid or gaseous) which by reasons of an inherent deleterious property tends to destroy life or impair health.

Trailer. A vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and designed or constructed for living, sleeping, business or storage purposes.

## RULES AND DEFINITIONS

Trailer or Mobile Home Camp or Park. Any premises occupied or designed to accommodate one or more families living in a house trailer or mobile home, or the parking of one or more trailers for business or storage purposes.

Trailer, House, or Mobile Home. Any trailer as defined herein used for residential purposes.

Use. The purpose of which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Yard. 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 herein, 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.

Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side. A yard extending along a side lot line from the front yard to the rear yard.

Zoning Board. The Board of Zoning Appeal of the City.

Zoning Lot. 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.

Zoning Map. The map or maps incorporated herein as a part hereof, designating zoning districts.

SECTION 4 – GENERAL PROVISIONS

4.1 INTERPRETATION

4.1-1 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.

4.1-2 Relationship with Other Laws. Where the conditions imposed by any provision of this 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 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.

4.1-3 Effect on Existing Agreements. This ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this ordinance shall govern.

4.2 SCOPE OF REGULATIONS

4.2-1 Changes in Structures or Use. Except as may otherwise be provided in Section 5, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.

4.2-2 Non-Conforming Buildings, Structures and Uses. Any lawful building, structure or use existing at the time of the enactment of this ordinance may be continued, even though such building, structure or use does not conform to the provisions of this ordinance for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of Section 5, Non-Conforming Buildings and Uses.

4.2-3 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 ordinance, and provided that construction is begun within 90 days of such effective date and diligently prosecuted to completion, said building or structure may be completed

## GENERAL PROVISIONS

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 Section 5.

### 4.3 USE AND BULK REGULATIONS

4.3-1 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 herein specified for the district in which it is located.

4.3-2 Bulk. Every new building or structure shall conform to the bulk regulations established herein for the district in which each such building or structure shall be located.

### 4.4 LOT COVERAGE

4.4-1 Maintenance of Yards, Courts, and Other Open Spaces. The maintenance of yards, courts and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, 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.

4.4-2 Division of Zoning Lots. No improved zoning lot shall hereafter be divided into two (2) 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 the R-3 District, side yard requirements shall not apply between attached buildings.

4.4-3 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 such building or dwelling group.

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- 4.4-4      Required Yards for Existing Buildings. No yards now or hereafter provided for a building existing on the effective date of this ordinance shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this ordinance for equivalent new construction.
- 4.4-5      Permitted Obstructions in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified:
- 4.4-5.1    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; recreational and laundry-drying equipment; arbors and trellises, and flag poles. 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 lattice-work 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 by 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, however: (1) That 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) That this projection shall not limit the height, type or location of a fence, wall or other structures which are located within the buildable area exclusive of the side or rear yards of the property.
- 4.4-5.2    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.
- 4.4-5.3    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;

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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.

- 4.4-5.4 In Side Yards: Attached carports may be built to within 4 inches of a side line providing there is no building within 4 feet on the adjoining property. Overhanging eaves and gutters projecting into the yard for a distance not exceeding forty (40) percent of the required yard width, but in no case exceeding thirty inches.
- 4.4-6 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:
- 4.4-6.1 In any residence districts, exceeding a height of three feet above the street grade within twelve feet of the intersecting street lines bordering corner lots;
- 4.4-6.2 In any 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.
- 4.5 LOT AREA AND DIMENSION
- 4.5-1 Contiguous Parcels. When two or more parcels of land, each of 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.
- 4.5-2 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 ordinance, that does not meet the requirements for minimum lot width and area, may be utilized 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.
- 4.6 ACCESS TO PUBLIC STREET. Except as otherwise provided for in this ordinance, every building shall be constructed or 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 ordinance.
- 4.7 REZONING OF PUBLIC AND SEMI-PUBLIC AREAS. An area indicated on the zoning map as a public park, recreation area, public school site, cemetery, or other

GENERAL PROVISIONS

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 the City Council, within three months after the date of application filed for rezoning.

4.8 ACCESSORY BUILDINGS

4.8-1 Location. When a side yard is required, no part of an accessory building shall be located closer than seven feet (Amended 3-12-75) to the side lot line along such side yard. 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. In a residence district, no detached accessory building shall be closer than ten feet to the principal building.

4.8-2 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.

4.8-3 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.

4.8-4 Height of Accessory Buildings in Required Rear Yards. No accessory building or portion thereof located in a required rear yard shall exceed fifteen feet in height.

4.8-5 On Reversed 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 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 of any part of the rear lot line which coincides with a side lot line or portion thereof of property in a residence district.

4.9 HOUSE TRAILERS (MOBILE HOMES). The following regulations shall apply to house trailers:

4.9-1 A house trailer shall not be considered an “accessory use” for the purposes of this ordinance.



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- 4.9-2 No house trailer shall be stored, parked or occupied for living purposes except:
- 4.9-2.1 In an approved trailer park, provided that public or community sewer and water facilities are available for each trailer;
- 4.9-2.2 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 the aforesaid one year.
- 4.9-3 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.
- 4.10 PERFORMANCE STANDARDS. The performance standards for the M-1 District shall also apply for all residence or business districts.
- 4.11 EXISTING SPECIAL EXCEPTIONS. When a use is classified as a special exception under this ordinance, and exists as a permitted use at the date of adoption of this ordinance, it shall be considered a legal use, without further action of the City Council, the Zoning Administrator or the Board of Appeals.
- 4.12 USES NOT SPECIFICALLY PERMITTED IN DISTRICTS. When a use is not Specifically listed in the sections devoted to “permitted uses” it shall be assumed that such uses are hereby expressly prohibited unless by a written decision of Board of Zoning Appeals it is determined that said use is similar to and not more objectionable than uses listed.
- 4.13 EXEMPTION OF AGRICULTURAL USES. The provisions herein 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 used or to be used for agricultural purposes upon which land, except that such 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 ordinance apply.

SECTION 5 – NON-CONFORMING BUILDINGS AND USES

SECTION 5 – NON-CONFORMING BUILDINGS AND USES

5.1 CONTINUANCE OF USE

5.1-1 Any lawfully established use of a building or land, on the effective date of this ordinance or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued; except as otherwise provided herein.

5.1-2 Any legal non-conforming 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.

5.1-3 Any building for which a permit has been lawfully granted prior to the effective date of this ordinance, or of amendments hereto, may be completed in accordance with the approved plans; provided construction is started within 90 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

5.2 DISCONTINUANCE OF USE

5.2-1 Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this ordinance, such premises shall not thereafter be used or occupied by a non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.

5.2-2 Whenever a non-conforming use of a building or structure or part thereof, has been discontinued for a period of six (6) months, or whenever there is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformance with the regulations of the district, except, whenever a non-conforming use dependent on seasonal trade has been discontinued for a period of one (1) year, such use shall not thereafter be established and any future use shall be in conformity with the provisions herein.

5.2-3 Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six (6) months shall constitute abandonment, and the premises shall not thereafter be used in a non-conforming manner.

## NON-CONFORMING BUILDINGS AND USES

- 5.3 CHANGE OF NON-CONFORMING USE. The provisions of subsections 5.1 and 5.2 shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to any reclassification of zones under this ordinance or any subsequent change in the regulations of this ordinance, and any time periods specified for discontinuance of non-conforming uses shall be measured from the date of such reclassification or change.
- 5.4 TERMINATION AND REMOVAL OF NON-CONFORMING USES, BUILDINGS AND STRUCTURES IN RESIDENCE DISTRICTS. The period of time during which the following non-conforming uses of buildings, structures or land may continue or remain in residence districts shall be limited to two (2) years from the effective date of this ordinance, or of any amendment hereto which causes the use to be non-conforming. Every such non-conforming use shall be completely removed from the premises at the expiration date:
- 5.4-1 Any non-conforming 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 ordinance.
  - 5.4-2 All non-conforming signs, billboards and outdoor advertising structures.
  - 5.4-3 Any non-conforming 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.
- 5.5 REPAIRS AND ALTERATIONS
- 5.5-1 Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
  - 5.5-2 No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:
    - 5.5-2.1 When the alteration is required by law;
    - 5.5-2.2 When the alteration will actually result in eliminating the non-conforming use;
    - 5.5-2.3 When a building in a residence district containing residential non-conforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

## NON-CONFORMING BUILDINGS AND USES

- 5.6 DAMAGE AND DESTRUCTION. If a building or other structure containing a non-conforming use is damaged or destroyed by any means to the extent of fifty percent or more of its replacement value at that 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.

### 5.7 ADDITIONS AND ENLARGEMENTS

- 5.7-1 A non-conforming 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.
- 5.7-2 No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- 5.7-3 No non-conforming 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 ordinance, or to displace any conforming use in the same building or on the same parcel of land.
- 5.7-4 A building or structure which is non-conforming 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 non-conformity with respect to the bulk regulations for the district in which it is located.

- 5.8 EXEMPTED BUILDINGS, STRUCTURES AND USES. Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of this ordinance, but is non-conforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of subsections 4 and 5 of this section:

## NON-CONFORMING BUILDINGS AND USES

- 5.8-1 In any residence district, where a dwelling is non-conforming 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.
- 5.8-2 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.
- 5.8-3 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.
- 5.8-4 In any district, where an established building, structure or use is non-conforming with respect to the standards prescribed in this ordinance for any of the following:
  - a. Floor area ratio;
  - b. Yards—front, side, rear or transitional;
  - c. Off-street parking or loading;
  - d. Lot area;
  - e. Building height
  - f. Gross floor area.

- 5.9 CONVERSION TO SPECIAL EXCEPTION. Any non-conforming use may be made a special exception by the granting of a special exception permit, as authorized in Section 13.

SECTION 6 – ZONING DISTRICTS

SECTION 6 – ZONING DISTRICTS

6.1 DISTRICTS. For the purpose and provisions of this ordinance, the City is hereby organized into ten (10) districts, as follows:

F-1 Floodway 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

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

6.2 MAPS. The boundaries of the zoning districts heretofore designated are hereby established as shown on the map entitled Official Zoning Map, dated March, 1975, which map accompanies and is made a part of this ordinance, 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.

6.3 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:

6.3-1 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.

6.3-2 In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the 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.

## ZONING DISTRICTS

6.3-3 Where a lot held in one ownership and of record on the effective date of this ordinance 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 (25) feet.

6.4 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 such center line.

SECTION 7 – F-1 FLOOD PLAIN DISTRICT

7.1 PURPOSE. This 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 Department of Natural Resources, Division of Water, State of Ohio. 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 the City Council in accordance with Section 13.

7.2 PERMITTED USES. The following uses are permitted:

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.

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”.

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 ordinance.

Agricultural uses, including farming, grazing and livestock raising, provided such uses are permitted in an adjoining district.

Any other uses customarily accessory or incidental to the above uses.

Planned single-family residential developments in unsubdivided areas only, provided that subsequent conditions of use have been satisfied.

Single-family residences on lots of record prior to the effective date of this ordinance, provided that subsequent conditions of use have been satisfied.



F-1 FLOOD PLAIN DISTRICT

7.3 CONDITIONS OF USE. In the F-1 Districts, the following conditions of use shall pertain:

7.3-1 No filling of land shall be permitted except where approved by the Plan Commission and subject to such conditions as may be stipulated to protect the public interest.

7.3-2 The natural drainage grade shall not be substantially altered.

7.3-3 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.

7.3-4 Where, in the opinion of the Plan 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 Plan Commission may require the applicant to submit such data or other studies prepared by competent engineers or other technicians.

7.3-5 All uses permitted shall be subject to approval of the Plan Commission and to such conditions as may be stipulated to protect the public interest.

7.3-6 No basement or other floor shall be constructed below ground level.

7.3-7 Planned single-family residential developments, where permitted, shall contain adequate storm drainage or other facilities capable of protecting the area from flooding.

7.3-8 All planned single-family residential developments shall be subject to the final approval of the City, based on recommendations from the Plan Commission that all of the foregoing requirements of this section have been complied with.

7.3-9 No building or structure shall be erected and no existing building or structure shall be moved unless that main floor elevation of said building or structure is established with a finished floor elevation not less than three (3) feet above the highest known flood elevation.

7.4 FLOOD PLAIN FRINGE AREAS. Areas lying outside of and adjacent to the flood plain districts, as shown on the zoning map of the City, shall be subject to the following regulations:

F-1 FLOOD PLAIN DISTRICT

- 7.4-1 No basement floor or other floor shall be constructed below or at a lower elevation than the main floor.
- 7.4-2 Land may be filled within the flood plain fringe areas provided such fill shall extend at least twenty-five (25) feet beyond the limits of any structure erected thereon.
- 7.4-3 Foundations of all structures shall be designated to withstand flood conditions at the site.

SECTION 8 – RESIDENCE DISTRICTS

8.1 R-1 ONE-FAMILY RESIDENCE DISTRICT

8.1-1 Permitted Uses. The following uses are permitted:

One-family detached dwellings.

Lands and buildings used for agricultural purposes.

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 (10) feet back from the nearest right-of-way line.

Home occupations.

Schools: public, denominational or private, elementary and high, including playgrounds, garages for school buses, athletic fields and other uses auxiliary thereto.

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 (2) acres.

Parks, forest preserves and recreational areas, when publicly owned and operated.

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 five hundred (500) feet to any dwelling on another zoning lot.

Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.

Signs, as permitted and regulated by subsection 8.1-7 below.

Public utility facilities, as defined by the State of Ohio.

Accessory uses, including off-street parking facilities in accordance with the provisions of Section 11.

R-1 RESIDENCE DISTRICT

- 8.1-2 Off-Street Automobile Parking Facilities. Automobile parking facilities shall be provided as required in Section 11.
- 8.1-3 Lot Size. (Referred to Ordinance #5, 1975)
- 8.1-3.1 Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than ten thousand (10,000) square feet and a width at the established building line of not less than eighty (80) feet, except as otherwise provided herein.
- 8.1-3.2 A permitted non-residential principal use or building, other than a public service use, shall be located on a tract of land having an area of not less than twenty thousand (20,000) square feet and a width at the established building line of not less than one hundred (100) feet.
- 8.1-4 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
- 8.1-4.1 Front Yards. A front yard of not less than thirty (30) feet, or twenty (20) percent of the depth of the lot, whichever is less.
- 8.1-4.2 Side Yards. A side yard on each side of the main structure of not less than eight (8) feet, except where a side yard adjoins a street the minimum width of such yard shall not be less than fifteen (15) feet.
- 8.1-4.3 Rear Yard. A rear yard of not less than thirty (30) feet.
- 8.1-5 Lot Coverage. Not more than thirty five percent (35%) of the area of a zoning lot may be occupied by buildings and structures, including accessory buildings.
- 8.1-6 Maximum Floor Area Ratio. The floor area ratio shall not exceed the following:
- 8.1-6.1 One-family detached dwellings – 0.3.
- 8.1-6.2 Non-residential uses – 1.0.
- 8.1-6.3 The maximum floor area ratio for special exceptions shall be established at the time the special exception permit is granted.

8.1-7 Signs

8.1-7.1 Nameplates and Identification Signs, subject to the following:

- a. Area and Content—Residential. There shall be not more than one nameplate—not exceeding one (1) 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 (2) such nameplates for each dwelling unit—one facing each street—shall be allowed.
- b. Area and Content—Non-Residential. For non-residential 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 (2) such signs—one facing each street—may be permitted. However, no non-residential sign shall be allowed without written authorization of the Zoning Administrator.
- c. Projection. No sign shall project beyond the property line into the public way.
- d. Height. No sign shall project higher than one story or fifteen (15) feet above curb level, whichever is lower.

8.1-7.2 “For Sale” and “To Rent” Signs, subject to the following:

- a. Area and Number. There shall be not more than one (1) 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.
- b. Projection. No sign shall project beyond the property line into the public way.
- c. Height. No sign shall project higher than four feet above ground level and shall be confined to the lawn.

8.1-7.3 Signs Accessory to Parking Areas, subject to the following:

- a. Area and Number. Signs designating parking area entrances or exists 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.

R-1 RESIDENCE DISTRICT

- b. Projection. No sign shall project beyond the property line into the public way.
- c. Height. No sign shall project higher than seven (7) feet above curb level.

8.1-7.4 The following Non-Flashing Business Signs, subject to the conditions specified:

- a. Church Bulletins, subject to the following:
  - (1) 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.
  - (2) Projection. No sign shall project beyond the property line into the public way.
  - (3) Height. No sign shall project higher than one story or fifteen feet above curb level, whichever is lower.
- b. 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.
- c. 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 said sign will not obstruct the view along any highway, at any intersection, private driveway, field entrance or other point of ingress or egress.
- d. 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—automobile, food, lodging;
  - (2) Business or business districts;
  - (3) Public and quasi-public information signs.

R-2 RESIDENCE DISTRICT

8.2 R-2 ONE-FAMILY RESIDENCE DISTRICT

8.2-1 Permitted Uses. Any use permitted in the R-1 One-Family Residence District shall be permitted in the R-2 District.

8.2-2 Off-Street Automobile Parking Facilities. Automobile parking facilities shall be provided as required in Section 11.

8.2-3 Lot Size

8.2-3.1 Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than seven thousand (7,000) square feet and a width at the established building line of not less than sixty (60) feet.

8.2-3.2 A permitted non-residential principal use or building, other than a public service use, shall be located on a tract of land having an area of not less than twenty thousand (20,000) square feet with a width at the established building line of not less than one hundred (100) feet.

8.2-4 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

8.2-4.1 Front Yard. A front yard of not less than twenty-five (25) feet.

8.2-4.2 Side Yards. A side yard on each side of the principal building of not less than six (6) feet, except where a side yard adjoins a street, the minimum width of such side yard shall be increased to ten (10) feet.

8.2-5 Lot Coverage. Not more than thirty-five percent of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.

8.2-6 Maximum Floor Area Ratio. The floor area ratio shall not exceed the following:

8.2-6.1 One-family detached dwellings – 0.5.

8.2-6.2 Non-residential uses – 2.0.

8.2-6.3 The maximum floor area ratio for special exceptions shall be established at the time the special exception permit is applied for.

R-3 GENERAL RESIDENCE DISTRICT

8.2-7 Signs. The regulations governing signs in the R-1 District shall apply in the R-2 District.

8.3 R-3 GENERAL RESIDENCE DISTRICT

8.3-1 Permitted Uses. The following uses are permitted:

Any of the uses permitted in the R-2 Single-Family Residence District.

Two-family dwellings

Multiple-family dwellings and apartments.

One-family row dwellings (party-wall) with not more than six (6) dwellings in a row or building.

8.3-2 Automobile Parking Facilities. Automobile parking facilities shall be provided as required or permitted in Section 11.

8.3-3 Lot Area Per Dwelling

8.3-3.1 Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than six thousand square feet, and a width at the established building line of not less than sixty feet.

8.3-3.2 Every building hereafter erected or altered to provide two or more dwelling units shall be located on a lot having an area of not less than eight thousand square feet and a 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:

a. Dwelling units with 2 or more bedrooms 3,000 sq. ft.

b. Dwelling units with 1 bedroom 2,000 sq. ft.

c. Efficiency dwelling units 1,200 sq. ft.

8.3-3.3 All non-residential principal uses permitted in this district shall be located on a lot having an area of not less than ten thousand (10,000) square feet and a width of not less than seventy-five (75) feet at the building line.

8.3-3.4 Minimum lot sizes for special exceptions shall be prescribed and conditions stipulated at the time a special exception permit is authorized, but in no case shall



R-3 GENERAL RESIDENCE DISTRICT

any such lot have an area of less than ten thousand (10,000) square feet.

- 8.3-4 Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained:
- 8.3-4.1 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.
- 8.3-4.2 Side Yards. On every zoning lot, side yards shall be provided as follows:
- a. For one-family detached dwellings, the same regulations shall apply as in the R-2 Single-Family District.
  - b. 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 (15) 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 (50) percent of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen (15) feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than seven (7) feet to the side lot line of said adjacent lots.
  - c. Non-residential buildings. On a lot improved with a non-residential building, there shall be a side yard of not less than twelve (12) feet on each side of the main structure and a combined total of side yards of not less than thirty (30) feet.
- 8.3-4.3 Rear Yard. There shall be a rear yard of not less than thirty feet.
- 8.3-5 Lot Coverage. Not more than forty (40) percent of the area of a lot may be covered by buildings and structures, including accessory buildings.

R-3 GENERAL RESIDENCE

- 8.3-6        Maximum Floor Area Ratio. The maximum floor area ratio shall be as follows:
- 8.3-6.1      One-family detached dwellings – 0.4.
- 8.3-6.2      Two-family and multiple-family dwellings – 0.7.
- 8.3-6.3      Permitted non-residential uses – 1.0.
- 8.3-6.4      Special exceptions – as specified with the special exception permit.
- 8.3-7        Signs. The regulations governing signs in the R-1 District shall apply.

8.4 R-4 GENERAL RESIDENCE DISTRICT

8.4-1 Permitted Uses. Any use permitted in the R-3 District.

8.4-2 Automobile Parking Facilities. Automobile parking facilities shall be provided as required or permitted in Section 11.

8.4-3 Lot Area Per Dwelling

8.4-3.1 Every one-family detached dwelling and two-family dwelling hereafter erected shall be located on a lot having an area of not less than six thousand (6,000) square feet and a width at the established building line of not less than sixty (60) feet.

8.4-3.2 Every building hereafter erected or altered to provide three or more dwelling units shall be located on a lot having an area of not less than eight thousand 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:

- a. Dwelling units with 2 or bedrooms 2,000 sq. ft.
- b. Dwelling units with 1 bedroom 1,500 sq. ft.
- c. Efficiency dwelling units 900 sq. ft.

8.4-3.3 All non-residential principal uses permitted in this district shall be located on a lot having an area of not less than ten thousand (10,000) square feet with a width at the established building line of not less than seventy-five (75) feet.

8.4-3.4 Minimum lot sizes for special exceptions 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 ten thousand square feet.

8.4-4 Yard Areas. The following yard requirements shall apply:

8.4-4.1 Front Yard. The same regulations shall apply as required in the R-3 District.

8.4-4.2 Side Yards. The same regulations shall apply as required in the R-3 District.



## R-5 GENERAL RESIDENCE

- 8.5-4.3      Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet.
- 8.5-5        Lot Coverage. Not more than fifty percent of the are of a lot may be covered by buildings and structures, including accessory buildings.
- 8.5-6        Maximum Floor Area Ratio. The maximum floor area ratio shall be as follows:
- 8.5-6.1      One-family detached dwellings – 0.4.
- 8.5-6.2      Two-family dwellings – 0.7.
- 8.5-6.3      Multiple-family dwellings – 1.0.
- 8.5-6.4      Permitted non-residential uses – 2.0.
- 8.5-6.5      Special exceptions – as specified with the special exception permit.
- 8.5-7        Signs. The same regulations governing signs in the R-1 District shall apply in the R-5 District.

SECTION 9 – BUSINESS DISTRICTS

9.1 B-1 RESTRICTED BUSINESS DISTRICT

9.1-1 Permitted Uses. The following uses are permitted:

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 services customarily incidental thereto; facilities for chassis and gear lubrication and for washing of not more than four (4) vehicles are permitted only if enclosed in a building.

Automobile sales and service shops, including painting and repairing, but no 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.

B-1 RESTRICTED BUSINESS

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.

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 the 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.

B-1 RESTRICTED BUSINESS

Food, meat and fruit stores.

Frozen food stores and food lockers.

Furniture store, and upholstery when conducted as a part of the retail operations and secondary to the main use.

Furrier, when conducted for retail trade on the premises only.

Garages, public, for storage of private passenger automobiles and commercial vehicles under one and on-half (1 ½) 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 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.

B-1 RESTRICTED BUSINESS

Machinery sales.

Mail order establishments.

Millinery shops.

Musical instrument sales and repair, retail trade only.

News stand.

Nursing Homes.

Offices, Business and Professional, Including medical clinics.

Optician, Optometrist.

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 Section 11.

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.



B-1 RESTRICTED BUSINESS

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 herein.

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 bureau and transportation ticket office.

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 Section 11.

B-1 RESTRICTED BUSINESS

- 9.1-2 Conditions of Use. All uses permitted in this district, except residence district uses, shall be retail establishments dealing directly with consumers and shall be subject to the following conditions:
- 9.1-2.1 Dwelling units and lodging rooms are not permitted below the second floor.
- 9.1-2.2 All business, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
- 9.1-2.3 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.
- 9.1-2.4 Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- 9.1-3 Transitional Yards. Where a B-1 District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:
- 9.1-3.1 Where lots in a B-1 District front on the street and at least 80 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 said lots in the business district.
- 9.1-3.2 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 ordinance for a residential use on the adjacent property in the residence district.

## B-1 RESTRICTED BUSINESS

- 9.1-3.3 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 ordinance for a residential use on the adjacent property in the residence district.
- 9.1-3.4 In a B-1 District, where 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.
- 9.1-3.5 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.
- 9.1-3.6 Transitional yards shall be unobstructed from lowest level to sky, except as allowed in Section 5.
- 9.1-4 Maximum Floor Area Ratio. The maximum floor area ratio for a building or buildings on a zoning lot, including accessory buildings, shall not exceed 3.0.
- 9.1-5 Signs. The following signs are permitted:
- 9.1-5.1 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.
- 9.1-5.2 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 a part 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.

B-1 RESTRICTED BUSINESS

- 9.1-5.3 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.
- 9.1-5.4 For integrated shopping centers in single ownership and management, or under unified control, one additional sign may be erected not exceeding one hundred 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 (20) feet above curb level, or above the adjoining ground level if such ground level is above the street level.
- 9.1-5.5 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.
- 9.1-5.6 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.
- 9.1-5.7 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 one hundred (100) square feet.
- 9.1-5.8 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.

9.1-5.9 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:

- a. Service areas—automobile, food, lodging.
- b. 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 lot.

9.2 B-2 GENERAL BUSINESS DISTRICT

9.2-1 Permitted Uses. The following uses are permitted, provided they are conducted wholly within enclosed buildings, except (1) off-street parking and loading facilities; (2) establishments of the “drive-in” type offering goods and services directly to customers waiting in parked motor vehicles, and (3) uses specified below as permitted on an open lot:

Any use permitted in the 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 shop.

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.

B-2 GENERAL BUSINESS

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.

Pawn shops.

Printing and publishing of newspapers, periodicals, books and including letter process work.

Radio and television broadcasting stations.

Second hand stores and rummage shops.

Schools—commercial or trade, subject to the provisions of the performance standards established in the M-1 Districts.

Stadiums, auditoriums and arenas—open or enclosed.

Storage, warehousing and wholesale establishments.

Taxidermist shops.

Undertaking establishments, funeral parlors or mortuaries.

9.2-2 Conditions of Use. All conditions of use for permitted uses shall be the same as required and apply in the B-1 Business District.

9.2-3 Yard Areas. All yard regulations shall be the same as required and apply in the B-1 Business District.

9.2-4 Maximum Floor Area Ratio. The maximum floor area ratio shall be the same as permitted in the B-1 Business District.

9.2-5 Signs. All sign regulations shall be the same as required or permitted in the B-1 Business District.

SECTION 10 – MANUFACTURING DISTRICTS

10.1 M-1 LIMITED MANUFACTURING DISTRICT

10.1-1 Permitted Uses. The following uses are permitted:

10.1-1.1 Retail and Service Uses—as follows:

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—non-alcoholic, 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 Section 11.

Greenhouses.

Ice sales, linen, towel, diaper and other similar supply services.

Restaurants, including the sale of liquor in conjunction therewith.

Riding academies and stables, horse.



Taverns.

Trade schools.

10.1-1.2 Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products—except those uses involving the storage, utilization or manufacture of materials or products which decompose by detonation, which conform with the performance standards set forth below, 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—non-alcoholic.

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.

## M-1 LIMITED MANUFACTURING

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 of—such as wire and cable assembly, switches, lamps, insulation, and dry cell batteries.

Food products, processing and combining of (except meat and fish)—baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, missing and pressing.

Fur goods, but not including tanning and dyeing.

Glass products, from previously manufactured glass.

## M-1 LIMITED MANUFACTURING

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, rust-proofing, 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.

M-1 LIMITED MANUFACTURING

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 semi-precious stones, rubber, shell or yarn.

Printing and newspaper publishing, including engraving and photo-engraving.

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, (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

Silverware, plate and sterling.

Soap and detergents, packaging only.

Soldering and welding.

## M-1 LIMITED MANUFACTURING

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 fifty thousand 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, non-ferrous 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.

## M-1 LIMITED MANUFACTURING

Any other manufacturing establishment that can be operated in compliance with the performance standards listed below 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.

10.1-1.3 Wholesaling and warehousing; local cartage and express facilities (but not including motor freight terminals).

10.1-1.4 Public and community service uses—as follows:

Bus terminals, bus turnarounds, bus garages, bus lots, street railway terminals or street car houses.

Electric substations.

Fire stations.

Municipal or privately-owner recreation buildings or community centers.

Parks and recreation areas.

Police stations.

Sanitary land fill.

Sewage treatment plants.

Telephone exchanges and coil telephones, outdoor.

Water filtration plants.

Water pumping stations.

Water reservoirs.

10.1-1.5 Residential uses—as follows:

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

M-1 MANUFACTURING DISTRICT

10.1-1.6 Miscellaneous uses—as follows:

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 Section 11.

10.1-2 Conditions of Use. All permitted uses are subject to the following conditions:

10.1-2.1 Any production, processing, cleaning, servicing, testing and repair or storage of goods, materials or products shall conform with the performance standards set forth below.

10.1-2.2 All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred and fifty (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 (8) feet high, but in no case lower in height than the enclosed storage and suitably landscaped.

However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1 ½) tons capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11.

10.1-2.3 Uses established on the effective date of this ordinance and by its provisions rendered non-conforming shall be permitted to continue, subject to the regulations of Section 13.

10.1-2.4 Uses established after the effective date of this ordinance shall conform fully to the performance standards hereinafter set forth for the district.

10.1-3 Yard Areas. No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such building.

M-1 MANUFACTURING DISTRICT

- 10.1-3.1 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 ordinance 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 said block.
- 10.1-3.2 Side Yards. On every zoning lot a side yard shall be provided along each side lot line. Each side yard shall be not less in width than ten percent of the lot width, but need not exceed twenty feet in width.
- 10.1-4 Maximum Floor Area Ratio. The maximum floor are ratio shall not exceed 1.5.
- 10.1-5 Signs. Signs shall be permitted and governed as follows:
- 10.1-5.1 All signs and nameplates permitted in the B-1 District.
- 10.1-5.2 Billboards, advertising signs and poster panels having a sign area not exceeding two hundred and seventy-five (275) square feet.
- 10.1-5.3 The gross area in square feet of all signs on a zoning lot shall not exceed six times the lineal feet of flashing signs shall not exceed three times the lineal feet of frontage of such lot.
- 10.1-5.4 No sign shall project higher than forty-five feet above the ground level beneath it.
- 10.1-5.5 No advertising sign shall be located within five hundred (500) feet of any public park of more than five acres in area, or any freeways, expressways and tollroads designated as such in the records of the governing authorities.
- 10.1-5.6 No advertising sign shall be located within seventy-five feet of any property located in a residential district.
- 10.1-6 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:
- 10.1-6.1 Noise. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. 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 shall be capable of being accurately measured with sound equipment. Noises capable of



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being so measured, for the purpose of this 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 one hundred and twenty-five 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 hereafter for the districts indicated:

MAXIMUM PERMITTED SOUND LEVEL  
IN DECIBELS ALONG BOUNDARIES  
OR 125 FT. FROM PLANT OR  
OPERATION PROPERTY LINE

<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 1200	49	55
1200 to 2400	45	51
2400 to 4800	41	47
Above 4800	37	43

10.1-6.2 Smoke and Particulate Matter

- a. 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 hour 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.
- b. 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.

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- c. 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.
- d. 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 paragraph c above.
- e. 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.

10.1-6.3 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 said property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited.

10.1-6.4 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.

10.1-6.5 Toxic or Noxious Matter. No use on any property shall discharge across the boundaries of said 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.

10.1-6.6 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.

10.1-6.7 Fire and Explosive Hazards. Fire and explosive hazards shall be controlled as follows:

- a. Activities involving the storage or manufacture of materials ranging from incombustible to moderate burning – as determined by the Zoning Administrator – is permitted.

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- b. The storage, utilization 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:
  - (1) All storage, utilization or manufacture of such materials or products shall be within completely enclosed buildings or structures having incombustible exterior walls; and
  - (2) All such buildings or structures shall be set back at least forty (40) 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.
  
- c. Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in the M-1 Districts.
  
- d. 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:
  - (1) Materials required for emergency or standby equipment;
  - (2) Materials used in secondary processes which are auxiliary to a principal operation—such as paint-spraying of finished products; and
  - (3) 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.

M-2 GENERAL MANUFACTURING

10.2 M-2 GENERAL MANUFACTURING DISTRICT

10.2-1 Permitted Uses. The following uses are permitted:

Any use permitted in the 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.

10.2-2 Conditions of Use. All permitted uses are subject to the following conditions:

10.2-2.1 All production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in the M-1 District.

10.2-2.2 Within one hundred and fifty (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 (8) feet high.

However, within such one hundred and fifty (150) feet of a residence district, off-street loading facilities and off-street parking of motor vehicles under one and one-half (1 ½) tons capacity may be unenclosed, except for such screening of parking and loading facilities as may be required under the provisions of Section 11.

10.2-3 Yard Areas. All yards shall be the same as required in the M-1 Limited Manufacturing District.

10.2-4 Maximum Floor Area Ratio. The maximum floor area ratio shall not exceed 3.0.

10.2-5 Signs. The use of signs in this district shall be subject to the same regulations as set forth in the M-1 Limited Manufacturing District.

10.2-6 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:

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10.2-6.1 Noise. The performance standards governing noise in the M-1 District shall apply.

10.2-6.2 Smoke and Particulate Matter

- a. 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 30 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.
- b. 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.
- c. 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.
- d. Dust and other forms of air pollution borne by the wind from such sources as storage areas, yards, roads, etc., 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 paragraph c above.
- e. 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 endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance.

10.2-6.3 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 said 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 nuisance or hazard beyond the property boundaries is prohibited.

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- 10.2-6.4 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.
- 10.2-6.5 Toxic or Noxious Matter. No use on any property shall discharge across the boundaries of said 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.
- 10.2-6.6 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.
- 10.2-6.7 Fire and Explosive Hazards. Fire and explosive hazards shall be controlled as follows:
- a. Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in the M-2 Districts unless licensed by the Village. However, in no case shall such materials or products be stored or manufactured within two hundred feet of the boundary of any other district except an M-3 District.
  - b. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning—as determined by the Zoning Administrator—is permitted.
  - c. The storage, utilization 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:
    - (1) All storage, utilization or manufacture of such materials or products shall be within completely enclosed buildings or structures having incombustible exterior walls; and

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- (2) 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.
- d. Materials or products which produce flammable or explosive vapors or gases under ordinary weather temperature shall not be permitted in this district, with the exception of the following, which are permitted:
- (1) Materials required for emergency or standby equipment;
  - (2) Materials used in secondary processes which are auxiliary to a principal operation—such as paint-spraying of finished products;
  - (3) 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.

10.3 M-3 HEAVY INDUSTRIAL DISTRICT

10.3-1 Permitted Uses. The following uses are permitted:

Any use permitted in the M-2 District.

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.



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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 hereinafter for the M-3 Districts.

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.

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Miscellaneous uses, as follows:

Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.

- 10.3-2        Conditions of Use. Permitted uses are subject to the following conditions:
- 10.3-2.1     All production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth below.
- 10.3-2.2     Within one hundred and fifty 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 Section 11.
- 10.3-3        Yard Areas. All yard areas shall be the same as required in the M-1 Limited Manufacturing District.
- 10.3-4        Maximum Floor Area Ratio. The maximum floor area ratio shall not exceed 3.0.
- 10.3-5        Signs. The use of signs in this district shall be subject to the regulations as set forth in the M-1 Manufacturing District.
- 10.3-6        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:
  - 10.3-6.1     Noise. The performance standards governing noise in the M-1 District shall apply.
  - 10.3-6.2     Smoke and Particulate Matter.
    - a. No stack shall emit more than 30 smoke units during one hour nor shall smoke 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. 2, and during soot blowing periods eight minutes of smoke of a density of Ringelmann No.2.

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- b. 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.
- c. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of 8 pounds per acre of lot area during any one hour.
- d. 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.
- e. 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.

10.3-6.3 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 said property is prohibited.

10.3-6.4 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 said 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.

10.3-6.5 Toxic or Noxious Matter. No use on any property shall discharge across the boundaries of said 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.

10.3-6.6 Fire and Explosive Hazards. Fire and explosive hazards shall be controlled as follows:

- a. Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in the M-3 District unless licensed by the City. However, in no case shall such materials or products be stored or

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products be stored or manufactured within two hundred feet of the boundary of any other district unless otherwise authorized.

- b. The storage, utilization 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 six hundred feet of the boundary of any other zoning district, the storage, utilization 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 such six hundred (600) feet.
  - (1) Materials required for emergency or standby equipment;
  - (2) Materials used in secondary processes which are auxiliary to a principal operation—such as paint-spraying of finished products;
  - (3) Flammable liquids and oils stored, sold and used in conjunction with the operation of motor vehicle service station and customarily required or used in such operation.

OFF-STREET PARKING AND LOADING

SECTION 11 – OFF STREET PARKING AND LOADING

11.1 PURPOSE. The purpose of this section is to alleviate or prevent the congestion of the public streets and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

11.2 GENERAL PROVISIONS – PARKING AND LOADING

11.2-1 Scope of Regulations. The off-street parking and loading provisions of this ordinance shall apply as follows:

11.2-1.1 For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ordinance, 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.

11.2-1.2 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 ordinance 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 ordinance, in which event parking or loading facilities as required herein shall be provided for the total increase.

11.2-1.3 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 said building or structure was erected prior to the effective date of this ordinance, 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 ordinance.

## OFF-STREET PARKING AND LOADING

- 11.2-2      Existing Parking and Loading 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 ordinance 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 ordinance for a similar new building or use.
- 11.2-3      Permissive Parking and Loading Facilities. Nothing in this 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.
- 11.2-4      Damage or Destruction. For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance, 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 ordinance for equivalent new uses or construction.
- 11.2-5      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 and unless the Board of Zoning Appeals has reviewed the plans and heard the applicant and made findings 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.
- 11.2-6      Submission of Plot Plan. Any application for a building permit, or for a certificate of occupancy where not 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 ordinance.

## OFF-STREET PARKING AND LOADING

### 11.3 ADDITIONAL REGULATIONS – PARKING

- 11.3-1 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 said 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 the employees, owners, tenants, visitors or customers of business or manufacturing establishments.
- 11.3-2 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.
- 11.3-3 Computation. When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, and fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
- 11.3-4 Size. 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.
- 11.3-5 Access. 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.

## OFF-STREET PARKING AND LOADING

- 11.3-6      In Yards. Off-street parking spaces may be located in any yards except required front yards
- 11.3-7      Design and Maintenance
- 11.3-7.1    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.
- 11.3-7.2    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.
- 11.3-7.3    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.
- 11.3-7.4    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.
- 11.3-7.5    Signs. Accessory signs are permitted on parking areas.
- 11.3-7.6    Repair and Service. 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.
- 11.3-8      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 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.



## OFF-STREET PARKING AND LOADING

- 11.3-9 Floor Area Exemptions. When two or more uses are located on the same zoning lot, only one exemption in terms of floor area—set forth in the Schedule of Parking Requirements, below, shall be taken.
- 11.4 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.
- 11.4-1 For Uses in a Residence District. 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 three hundred feet from such use.
- 11.4-2 For Uses in Business and Manufacturing Districts. All required parking spaces shall be within one thousand feet of the use served, except for spaces accessory to dwelling units (except those located in a transient hotel) which shall be within three hundred 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 uses and municipal parking lots may be allowed by special exception permit in accordance with the administrative section, within two hundred feet of and adjacent to any business or industrial district.
- 11.5 SCHEDULE OF PARKING REQUIREMENTS. For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- 11.5-1 Residential Uses, as follows:
- 11.5-1.1 One-Family Dwellings and Two-Family Dwellings. Two(2) parking spaces shall be provided for each dwelling unit.
- 11.5-1.2 Multiple-Family Dwellings (Including Apartment Hotels). Three (3) parking spaces shall be provided for each two dwelling units. For lodging rooms located in an apartment hotel, one (1) parking space shall be provided for each two lodging rooms.

## OFF-STREET PARKING AND LOADING

- 11.5-1.3 Tourist Courts, Tourist Homes, Motels and Motor Hotels. One (1) parking space shall be provided for each dwelling unit or lodging room.
- 11.5-1.4 Hotels, Transient. One (1) parking space for each dwelling unit and one (1) parking space for each two lodging rooms shall be provided.
- 11.5-1.5 Lodging Houses. One (1) parking space shall be provided for each two lodging rooms, plus one (1) space for the owner or manager.
- 11.5-1.6 Private Clubs and Lodges (with Sleeping Facilities for Guests). One (1) parking space shall be provided for each two lodging rooms plus parking spaces equal in number to ten percent of the capacity in persons (exclusive of lodging room capacity) of such club or lodge.
- 11.5-1.7 House Trailer Camps. One (1) parking space shall be provided for each trailer space.
- 11.5-2 Retail and Service Uses, as follows:
- 11.5-2.1 Retail Stores and Banks. One (1) parking space shall be provided for each two hundred square feet of floor area in excess of two thousand square feet.
- Drive-in banks or other similar drive-in establishments shall provide three stacking spaces per teller or customer service window.
- 11.5-2.2 Automobile Service Stations. One (1) parking space shall be provided for each two employees.
- 11.5-2.3 Automobile Laundry. Twenty (20) stacking spaces shall be provided for each wash rack, plus one (1) parking space for each four employees.
- 11.5-2.4 Bowling Alleys. Three (3) 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.
- 11.5-2.5 Establishments Dispensing Food or Beverages for Consumption on the Premises. One (1) parking space shall be provided for each three hundred square feet of floor area.

## OFF-STREET PARKING AND LOADING

- 11.5-2.6 Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops. One (1) parking space shall be provided for each six hundred square feet of floor area in excess of two thousand square feet.
- 11.5-2.7 Motor Vehicle Sales and Machinery Sales. One (1) parking space shall be provided for each three hundred square feet of floor area.
- 11.5-2.8 Theaters (indoor). One (1) parking space shall be provided for each five seats.
- 11.5-2.9 Undertaking Establishments, Funeral Parlors. Six (6) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises.
- 11.5-3 Offices—Business, Professional and Governmental. One (1) parking space shall be provided for each two hundred square feet of floor area.
- 11.5-4 Wholesale Establishments (But not including Warehouses and Storage Buildings other than Accessory). One (1) parking space shall be provided for each six hundred square feet of floor area in excess of four thousand square feet.
- 11.5-5 Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods or Products. One (1) parking space shall be provided for each two employees, plus one (1) parking space for each vehicle used in the conduct of the enterprise.
- 11.5-6 Warehouses and Storage Buildings. One (1) parking space shall be provided for each two employees, plus one (1) parking space for each vehicle used in the conduct of the enterprise.
- 11.5-7 Community Service Uses, as follows:
- 11.5-7.1 Church, School, College and Other Institutional Auditoriums. One (1) parking space shall be provided for each three (3) 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.
- 11.5-7.2 Colleges, Universities and Business, Professional and Trade Schools. One (1) parking space shall be provided for each (4) students based on the maximum number of students attending classes on the premises at any one time during any twenty-four hour period.

## OFF-STREET PARKING AND LOADING

- 11.5-7.3 Health Centers, Government-Operated. Three (3) parking spaces shall be provided for each staff and visiting doctor.
- 11.5-7.4 Hospitals. One (1) parking space shall be provided for each two hospital beds, plus one (1) parking space for each two employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
- 11.5-7.5 Libraries, Art Galleries and Museums—Public. One (1) parking space shall be provided for each one thousand square feet of gross floor area.
- 11.5-7.6 Municipal or Privately-Owned Recreation Building or Community Center. One (1) 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.
- 11.5-7.7 Public Utility and Public Service Uses. One (1) parking space shall be provided for each three employees plus spaces adequate in number—as determined by the Zoning Administrator—to serve the public.
- 11.5-7.8 Schools—Nursery, Elementary and High. One (1) parking space shall be provided for each employee.
- 11.5-8 Places of Assembly, as follows:
- 11.5-8.1 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.
- 11.5-9 Miscellaneous Uses, as follows:
- 11.5-9.1 Fraternities, Sororities and Dormitories. One (1) parking space shall be provided for each five active members, plus one space for the manager thereof.
- 11.5-9.2 Institutions for the Care of the Insane or Feeble-Minded. One (1) 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.

## OFF-STREET PARKING AND LOADING

- 11.5-9.3 Private Clubs and Lodges (without sleeping facilities for guest). Parking spaces equal in number to ten (10) percent of the capacity in persons shall be provided.
- 11.5-9.4 Rest Homes or Nursing Homes. One (1) parking space shall be provided for each four beds, plus one (1) parking space for each two employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
- 11.5-9.5 Sanitariums, Convalescent Homes or Institutions for the Aged or for Children. One (1) parking space shall be provided for each four beds, plus one (1) parking space for each two employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
- 11.5-9.6 Theaters—Automobile Drive-In. Reservoir parking space equal to ten (10) percent of the vehicle capacity of such theaters shall be provided.
- 11.5-9.7 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:
- a. Airports or aircraft landing fields; heliports.
  - b. Convents and monasteries.
  - c. Crematories or mausoleums.
  - d. Fraternal or religious institutions.
  - e. Outdoor amusement establishments—fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers.
  - f. Penal and correctional institutions.
  - g. Rectories and parish houses.
  - h. Swimming pools.
- 11.5-10 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 Board of Zoning Appeals.

## OFF-STREET PARKING AND LOADING

11.5-11 Other Uses. For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.

### 11.6 ADDITIONAL REGULATIONS – OFF-STREET LOADING

11.6-1 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.

11.6-2 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.

11.6-3 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.

11.6-4 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.

11.6-5 Repair and Service. 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.

11.6-6 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.

11.6-7 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.

## OFF-STREET PARKING AND LOADING

- 11.6-8 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.
- 11.7 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 herein.

SCHEDULE OF LOADING REQUIREMENTS

<u>Use</u>	<u>Gross Floor Area in Square Feet</u>	<u>Required Number and Minimum Horizontal Dimensions of Berths</u>
a. Hospitals, sanitariums and other institutional uses.	10,000 to 200,000	1 – (10ft X 25ft)
b. Hotels, clubs and lodges, except as set forth in Item “e” below.	For each additional 200,000 or fraction thereof.	1 additional (10ft X 25ft)
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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 – (10ft X 25ft)
	20,000 to 150,000	1 – (10ft X 50ft)
	For each additional 150,000 or fraction thereof.	1 additional (10ft X 50ft)
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d. Retail stores.	5,000 to 10,000	1 – (10ft X 25ft)
e. Establishments dispensing food or beverages for consumption on the premises.	10,000 to 25,000	2 – (10ft X 25ft ea)
	25,000 to 40,000	2 – (10ft X 50ft ea)
f. Motor vehicle and machinery sales.	For each additional 200,000 or fraction thereof.	1 additional (10ft X 50ft)
g. Wholesale establishments (but not including warehouse and storage)		
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h. Auditoriums, convention halls, exhibition halls, sports arenas, stadiums.	10,000 to 20,000	1 – (10ft X 25ft)
	20,000 to 100,000	1 – (10ft X 25ft)
i. Bowling alleys.	For each additional 100,000 or fraction thereof.	1 additional (10ft X 50ft)



SCHEDULE OF LOADING REQUIREMENTS (Continued)

<u>Use</u>	<u>Gross Floor Area in Square Feet</u>	<u>Required Number and Minimum Horizontal Dimensions of Berths</u>
j. Banks and offices—business, professional governmental.	10,000 to 100,000 For each additional 100,000 or fraction thereof.	1 – (10ft X 25ft) 1 additional (10ft X 25ft)
	For each additional 500,000 or fraction thereof.	1 additional (10ft X 25ft)
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k. Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products.	5,000 to 10,000 10,000 to 40,000 40,000 to 100,000	1 – (10ft X 25ft) 1 – (10ft X 50ft) 2 – (10ft X 50ft ea)
l. Warehouses and storage buildings.	For each additional 100,000 or fraction thereof.	1 additional (10ft X 50ft)
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m. Theaters	8,000 to 25,000 For each additional 50,000 or fraction thereof.	1 – (10ft X 25ft) 1 additional (10ft X 25ft)
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n. Undertaking establishments and funeral parlors.	8,000 to 100,000 For each additional 100,000 or fraction thereof.	1 – (10ft X 25ft) 1 additional (10ft X 25ft)







SECTION 13 – ADMINISTRATION

SECTION 13 – ADMINISTRATION

13.1 ENFORCING OFFICER. The administrator of this ordinance for the City is designated as the Mayor. The Building Inspector shall be responsible for enforcing this ordinance.

13.2 ZONING PERMITS, CERTIFICATE OF COMPLIANCE AND USE PERMITS

13.2-1 Zoning Permits. No building or structure shall hereafter be erected or structurally altered until a zoning permit shall be issued by the Building Inspector stating that the building or structure and use of land comply with the regulations of the ordinance and all building and health laws and ordinances of the City.

All applications for a zoning 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 these regulations. A careful record of such applications and plot plans shall be kept in the office of the Building Inspector.

13.2-2 Certificate For Continued Occupancy of Non-Conforming Uses. Certificates for the continued occupancy of non-conforming uses existing at the time of passage of this ordinance, or made non-conforming by this ordinance, shall state that the use is a non-conforming one and does not conform with the provisions of this ordinance. The Building Inspector shall notify the owners of property being used as a non-conforming use and shall furnish said owner with a Certificate of Occupancy for such non-conforming use.

13.2-3 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 Building Inspector. No such use permit shall be issued to make such change unless it is in conformity with the provisions herein and amendments hereto, hereafter duly enacted.

13.2-4 Continuance of Existing Uses. Nothing herein 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 herein.

13.3 ZONING BOARD OF APPEALS

13.3-1 Zoning Board of Appeals Established. There is hereby established a Zoning Board of Appeals. Said Board of Appeals shall consist of five members appointed by the City Council of said City. The members of said Board of Appeals 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 City Mayor, subject to confirmation by the City Council for the unexpired term. Members may be removed by the City 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 of Appeals shall annually elect from its membership a Chairman of said Board. Said Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

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

13.3-2 Meetings. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. There shall be at least fifteen (15) days, but not more than thirty (30) days, notice of the time and place of such meeting published in a newspaper of general circulation in the City; said notice to contain a statement of the particular purposes of such meeting and a brief description of the location of the property or properties under consideration at such meeting.

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

The Board of Appeals shall keep minutes of its proceedings, showing the vote for 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.

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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, regulation, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the City Clerk and shall be a public record.

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

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

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

In considering all appeals and all proposed variations to this ordinance, the Zoning Board of Appeals shall, before granting any variation from the 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 is 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.

13.3-3 Appeals and Review. Any person aggrieved by a ruling of the Building Inspector charged with the enforcement of this ordinance or by any officer, department, board or bureau of the City concerning the interpretation of this ordinance, may take an appeal to the Zoning Board of Appeals.

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof 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.

Such appeal shall be taken within thirty (30) days by the Zoning Board of Appeals and shall be taken by filing with the City Clerk and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof, together with such

## ADMINISTRATION

plats and exhibits as are reasonably necessary. Such appeal shall be taken upon forms provided by the Zoning Board of Appeals. The City Clerk shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed was taken.

The Zoning Board of Appeals shall hear appeals from and review any order, requirement, decision or determination made by the Building Inspector charged with the enforcement of this ordinance.

The Zoning Board of Appeals 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 said Board may decide to be fitting and proper in the premises, and to that end said 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 of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant any matter upon which it is authorized by this ordinance to render decisions.

### 13.3-4 Variations.

13.3-4.1 Purpose. A variation is that power to permit municipalities to vary the requirements of the 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 ordinance.

13.3-4.2 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, all favorable to the applicant or appellant, have been established by the evidence:

- a. That 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;
- b. That the conditions upon which the requested variation is based would not be applicable generally to other properties within the same zoning classification;



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- c. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- d. That 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;
- e. That 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; and
- f. That the proposed variation complies with the spirit and intent of the restrictions imposed by this ordinance.

13.3-4.3     Application. An application for a variation of the regulations of this ordinance may be made by a property owner or his agent to the Zoning Board of Appeals. Such applications shall be made in writing, stating the variation requested, the location of the property for which the variation is requested, name of the property owner, and cause for the requested variation.

13.3-4.4     Public Hearing. The Zoning Board of Appeals shall fix a reasonable time and place for the public hearing and shall give notice of the time and place of the public hearing, published at least once, not more than thirty (30) days and not less than fifteen (15) 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.

13.3-4.5     The Zoning Board of Appeals shall either grant or deny the requested variation within thirty (30) days after the public hearing.

13.3-4.6     Special Exception Variations

- a. Purpose. The development and execution of a zoning ordinance is based upon the division of the City into districts within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are

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uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, 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 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 City Mayor upon a form prescribed by said City Mayor. The application shall be accompanied by such plans and/or data prescribed by the Building Code 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 therein.
- d. Hearing on Application. Upon receipt, in proper form, of the application and statement referred to in paragraph “c” above, the Zoning Board of Appeals shall fix a reasonable time and place for the public hearing and shall give notice of the time and place of the public hearing, published at least once, not more than thirty (30) days and not less than fifteen (15) 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 Zoning Board of Appeals 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 Zoning Board of Appeals 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

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of 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 Zoning Board of Appeals.

- f. Standards. No special use variation shall be recommended by the Zoning Board of Appeals unless said Board of Appeals shall find:
- (1) That 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) That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood;
  - (3) That 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) That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
  - (5) That 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) That 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 the City Council to the recommendations of the Board of Appeals

13.3-4.7 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 the City Council.

a. In the case of residential, business or manufacturing planned developments, the Zoning Board of Appeals may recommend, and the City Council may authorize, that there be 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 said development is located, provided the Zoning Board of Appeals shall find:

- (1) That the uses permitted by such variation are necessary or desirable and are appropriate with respect to the primary purpose of the development;
- (2) That the uses permitted by such special exception variation are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;
- (3) That 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 said special exception variation;
- (4) That 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) That 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 developments, the Zoning Board of Appeals may recommend and the City Council may authorize, variations to the applicable bulk regulations of the zoning ordinance within the boundaries of such development, provided that the Zoning Board of Appeals shall find:

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- (1) That such variation shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as of neighboring properties, than would be obtained under the bulk regulations of the zoning ordinance for buildings developed on separate zoning lots;
- (2) That 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) That 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 ordinance.
- (4) That spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of the ordinance on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys;
- (5) That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

13.3-4.8      Conditions and Guarantees. 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 may deem necessary as proof that the conditions stipulated in connection therewith are being and will be, complied with.

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- 13.3-4.9      Effect of Denial of a Special Exception Variation. No application for a special exception variation which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence of proof of changed conditions found to be valid by the Zoning Board of Appeals.
- 13.3-4.10     Revocation. In any case where a special exception variation has not been established within one (1) year after the date of granting thereof, then without further action by the Zoning Board of Appeals, the special exception variation authorization shall be null and void.
- 13.3-4.11     Change of Zoning. Nothing herein contained 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 being reserved to the City Council; The Board of Appeals 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 of Appeals.
- 13.3-4.12     Miscellaneous. 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; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- 13.3-5         Stay of Proceedings. The appeal shall stay all proceedings and furtherance of the action appealed from unless the Village Clerk certifies to the Zoning Board of Appeals after notice of appeal has been filed with him, that by reason of facts stated in the certificate, stay would, in his 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 Zoning Board of Appeals or by Court of Record on application, with notice to the officer from whom the appeal is taken, and all causes shown.

13.4 AMENDMENTS

- 13.4-1 Petition for Amendment. The City Council, the Plan Commission, and other governmental bodies and any private petitioner may apply for an amendment to the text herein, and in the accompanying zoning map made a part hereof. Any petition for an amendment by a private party shall be accompanied by a filing fee as established by the City Council, which fee shall be deposited with the City and no part shall be returnable to the petitioner.

The petition for amendment shall state the property location for which the amendment is requested, the name of the property owner, and a statement describing the amendment requested.

- 13.4-2 Notice and Hearing on Municipal Zoning Regulations. Before any amendments to this ordinance may be passed the City Council shall hold a public hearing thereon, 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 the City, 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 that may be specified by the legislative authority. During such thirty days the text or copy of the text of such amendment together with the maps or plans or copies thereof forming part of or referred to in such amendment, and the maps, plans and reports submitted by the Plan Commission or officer shall be on file, for public examination, in the office of the Clerk of the City. No such ordinance, measure or regulation which violates, differs from, or departs from the plan or report submitted by the Commission, Board or officer shall take effect unless passed or approved by not less than three-fourths of the membership of the City Council.

ADMINISTRATION

- 13.5 INTERPRETATION: PURPOSE AND CONFLICT. In interpreting and applying the provisions herein, 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 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 law relating 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 that where this 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 or such other easements, covenants or agreements, the provisions herein shall control.
- 13.6 FEES. Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations and for appeals to the Zoning Board of Appeals shall be established by action of the City Council from time to time. Such fees shall be paid to the City of Waverly who shall give a receipt therefore and account for same at regular intervals to the City Council.
- 13.7 VIOLATIONS: PENALTY. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not less than \$25.00, nor more than \$50.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- 13.8 VALIDITY. Should any clause, section or provision herein be declared by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 13.9 WHEN EFFECTIVE. This 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 from and after its due passage, approval and recording and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City, County of Pike, and State of Ohio, this 30<sup>th</sup> day of April, 1975.

Allen L. Williamson  
Mayor

ATTEST:

Frank Cutler  
Village Clerk



ORDINANCE NO. 1972-8

AN EMERGENCY ORDINANCE AMENDING VILLAGE ORDINANCE 1954-1, PASSED JANUARY 19, 1954, TITLED " NATIONAL BUILDING CODE", DATE 1949 EDITION

BE IT ORDAINED by the Council of the Village of Piketon, State of Ohio:

Section 1. That Section 106 (2) (a) Notice of Unsafe Building, adopted January 19, 1954, be and the same hereby is amended to read as follows:

(a). Upon receipt of information that a building or structure is unsafe, the building official shall make or cause to be made an inspection; and if it is found that an unsafe condition exists, he shall serve or cause to be served on the owner, or some one of the owners, executors, administrators, agents, lessees or other persons who may have a vested or contingent interest in the same, a written notice containing a description of the building or structure deemed unsafe, a statement of the particulars in which the building or structure is unsafe, and an order requiring the same to be made safe and secure or removed, as may be deemed necessary by him. Such notice shall be by certified mail at least thirty days before removal.

Section 2. That Section 106 (3) Disregard of Notice, adopted January 19, 1954, be and the same hereby is amended to read as follows:

3. If the person served with a notice or order to remove or repair an unsafe building or structure should fail, within thirty days, to comply with the requirements thereof, the building official shall advise the corporation counsel or the proper prosecution authority of all the facts in the case, and shall institute appropriate action in the courts. Such disregard of notice shall further permit the Village to remove or repair unsafe buildings, in the event the property owner refuses, in accordance with ORC. 715.26, and assess the costs against the property as provided in ORC. 715.261.

Section 3. That all other sections and parts of Section 106 shall remain unchanged and in full force and effect.

Section 4. This emergency ordinance is and is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for the public health, peace, and welfare of the people of the Village of Piketon by providing for the amendment to an ordinance thus enabling the Building Official to proceed with the causing of unsafe buildings to be repaired or removed.

Charles N. Osborn  
Mayor

Attest: Frank Butler  
Clerk

Passed: September 12, 1972

ORDINANCE NO. \_\_\_\_\_ -1975-1

AN EMERGENCY ORDINANCE AMENDING VILLAGE ORDINANCE NO. 5-1971, PASSED AUGUST 10, 1971, TITLED, "AN ORDINANCE ENACTING A DWELLING CODE FOR THE VILLAGE OF PIKETON, PIKE COUNTY, OHIO, AND THE EXCEPTIONS THEREOF".

BE IT ORDAINED by the Council of the Village of Piketon, Pike County, Ohio, to wit:

SECTION I, SECTION II of Ordinance 5-1971, the term "Lot" shall be and the same hereby is amended to be defined as follows;

"Lot" means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a house trailer, building, or a group of buildings that are united by a common interest or use, and the customary accessories and open space belonging to same. For the purpose of this ordinance the term "unit" is synonymous with the term Lot. A lot shall be further defined to contain less than a minimum area of 7,200 sq.; and on each lot there shall be only one dwelling; and the minimum front yard setback, side yard setback and rear yard setback shall be no less than seven (7) feet from the dwelling lot line. A lot is further defined as it first appears in the original plat regardless of subsequent subdivision of said lot.

SECTION II. That all other sections and portions of sections of Village Ordinance No. 5-1971 shall remain unchanged and in full force and effect.

SECTION III. This emergency ordinance is and is hereby declared to be an emergency measure, the emergency being immediate necessity to provide for the public health, peace and welfare of the people of the Village of Piketon by providing immediate regulations concerning the placement of dwellings within the Village of Piketon, Pike County, Ohio.

ATTEST: S/S Frank Cutler  
Clerk

S/S Allen L. Williamson  
Mayor

PASSED: March 12, 1975

AN EMERGENCY ORDINANCE AMENDING ORDINANCE 1984-7 PROVIDING HOUSING STANDARDS, RULES AND REGULATIONS, INSPECTION FEES, AND VIOLATION THEREOF, FOR LEASING, RENTING OR OCCUPYING OF DWELLINGS WITHIN THE VILLAGE OF PIKETON, OHIO.

BE IT ORDAINED by the Council of the Village of Piketon, Pike County, Ohio:

- Section 1. It shall be unlawful for any person, firm or corporation, to lease, rent or occupy any dwelling within the Village of Piketon except as provided in this ordinance and the PIKETON HOUSING QUALITY STANDARD.
- Section 2. That the PIKETON HOUSING QUALITY STANDARD, and the provisions, rules and regulations contained therein, hereby be adopted.
- Section 3. That permits and inspection fees shall be determined as provided for in the Permit and Inspection Fees Ordinance.
- Section 4. That violations and penalties shall be as provided for in the PIKETON HOUSING QUALITY STANDARD.
- Section 5. That this emergency ordinance is and is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for the public health, peace, and welfare of the people of the Village of Piketon by providing immediate regulations concerning housing standards within the Village of Piketon.

E. N. Oplow  
Mayor

Passed: July 8, 1991

Attest: Brenda K. Isaacs  
Clerk/Treasurer