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CODIFIED ORDINANCES OF SHADYSIDE

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Planning
Chap. 1101. Planning Commission

CHAPTER 1101
Planning Commission

1101.01 Planning Commission established. 1101.02 Powers.

CROSS REFERENCES
Plat approval required - see Ohio R.C. 711.09
Planning Commission established - see Ohio R.C. 713.01
Planning Commission powers and duties - see Ohio R.C. 713.02, 713.06
Planning Commission shall be Platting Commission - see Ohio R.C. 713.03
Division into districts - see Ohio R.C. 713.06, 713.10

1101.01 PLANNING COMMISSION ESTABLISHED.
A Planning Commission is hereby created and established, with five members, consisting of the Mayor, one member of Council to be elected thereby for the remainder of his term as such member of Council, and three residents of the Municipality who shall serve without compensation and who shall be appointed by the Mayor for terms of six years each except that the term of one of the members of the first Commission shall be for four years and one for two years.

1101.02 POWERS.
The powers of the Planning Commission shall be those granted by Ohio R.C. 713.01 to 713.27 and 735.15 as well as all other sections of the Ohio Revised Code and the Constitution of the State of Ohio now in effect or which may hereafter be passed and become effective and relating to planning commissions as well as all ordinances passed by Council relating to the Planning Commission.
CHAPTER 1131
Definitions

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CROSS REFERENCES
House trailer defined - see P. & Z. 1181.01

1131.01 INTERPRETATION OF WORDS AND TERMS.
For the purpose of this Zoning Ordinance, certain words and terms used herein shall be interpreted or defined as follows in this chapter.
Words used in the present tense include the future tense; the singular includes the plural and the plural includes the singular unless the natural construction of the wording indicates otherwise.

The word "lot" includes the words "plot" and "parcel"; the word "shall" is mandatory and not directory; the words "occupied" or "used" as applied to any building or premises shall be considered to be followed by the words "or intended, or arranged, or designed to be occupied or used"; the word "approve" shall be considered to be followed by words "or disapprove"; any reference to this Zoning Ordinance includes all ordinances amending or supplementing the same; the word "Village" or "Municipality" refers to the Municipality of Shady-side, all distances and areas refer to measurements in a horizontal plane.

(Ord. 633. Passed 4-11-60.)

1131.02 ACCESSORY BUILDING; ACCESSORY USE.
"Accessory building" or "accessory use" means a subordinate building or use located on the same lot with, and customarily incident to, the main use of the main building. Accessory buildings and uses are considered to be a part of the primary use of a property.
(Ord. 633. Passed 4-11-60.)

1131.03 ALLEY.
"Alley" means a permanent service way providing a secondary means of access to abutting properties.
(Ord. 633. Passed 4-11-60.)

1131.04 ALTERATION.
"Alteration" as applied to a building, means a change in or replacement of walls, partitions, floors, roof, foundations or openings, or in corresponding parts of a structure other than a building. Redecorating, repair or replacement of windows, trim and similar small members does not constitute an alteration.
(Ord. 633. Passed 4-11-60.)

1131.05 APARTMENT HOUSE.
"Apartment house" means any main building containing more than four dwelling units.
(Ord. 633. Passed 4-11-60.)

1131.06 BOARDING HOUSE.
"Boarding house" means any dwelling in which more than three persons, either individually or as one or more families are housed or lodged, for hire, with or without meals. A rooming house or furnished room house shall be considered a boarding house.
(Ord. 633. Passed 4-11-60.)

1131.07 BUILDING.
"Building" means a structure designed or used for the shelter of persons, animals or chattel. Structures such as stadiums, platforms, towers, sheds, signs and fences of any type over four feet in height shall be considered as buildings.
(Ord. 633. Passed 4-11-60.)

1131.08 CERTIFICATE OF OCCUPANCY.
"Certificate of occupancy" means an authorization for the occupancy or use of any structure or property. Such certificate shall be issued by the enforcing officer in accordance with this Zoning Ordinance.
(Ord. 633. Passed 4-11-60.)
1131.09 DWELLING.
"Dwelling" means a building designed or used exclusively for living quarters and containing single-family, two-family, three-family and four-family units, but not including apartments, boarding houses, rooming houses, hotels, motels, etc. No trailer, camp car or other portable vehicle, on or off wheels, shall be considered as a dwelling. (Ord. 633. Passed 4-11-60.)

1131.10 DWELLING GROUP.
"Dwelling group" means a group of two or more dwellings occupying a lot in one ownership, and having one or more yards in common. (Ord. 633. Passed 4-11-60.)

1131.11 DWELLING UNIT.
"Dwelling unit" means a main building, or part of a main building, with one or more rooms designed and intended for occupancy by one family for living, sleeping and cooking purposes. (Ord. 633. Passed 4-11-60.)

1131.12 ENFORCING OFFICIAL.
"Enforcing official" means the Village Clerk or his authorized deputy, or such other person as appointed and authorized by Council to enforce and administer the provisions of this Zoning Ordinance. (Ord. 633. Passed 4-11-60.)

1131.13 FAMILY.
"Family" means one or more persons occupying a dwelling unit and living, as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding house, tourist home, club, fraternity or hotel. (Ord. 633. Passed 4-11-60.)

1131.14 GARAGE, PRIVATE.
"Private garage" means an accessory building for the storage of not more than three automobiles, including not more than one truck of greater than one-half ton capacity, and in which no business is carried on. (Ord. 633. Passed 4-11-60.)

1131.15 GARAGE, PUBLIC.
"Public garage" means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, hiring, selling or storing motor driven vehicles. (Ord. 633. Passed 4-11-60.)

1131.16 HEIGHT OF BUILDINGS OR STRUCTURES.
"Height of buildings or structures" means the vertical distance, measured from the average elevation of the proposed finished grade at the front of the building, to the highest point of the roof for flat and shed roofs, to the deck line for mansard type roofs, to the mean height between the eaves and ridge for other pitched roofs, or to the highest point of a structure other than a building. (Ord. 633. Passed 4-11-60.)

1131.17 HOME OCCUPATION.
"Home occupation" means any use or service conducted for profit solely by the inhabitants of a dwelling and operated entirely within the dwelling, which use is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the appearance or character thereof. (Ord. 633. Passed 4-11-60.)
1131.18 HOSPITAL.
"Hospital" means an establishment for the care of human infirmities.
(Ord. 633. Passed 4-11-60.)

1131.19 LOT.
"Lot" means a parcel of land occupied or to be occupied by a main building or group of main buildings or accessory buildings or to be occupied by a permitted use, together with such yards, open spaces, lot widths and lot area as are required by this Zoning Ordinance and having frontage upon a dedicated public street for group dwellings. Where more than one dwelling is placed on a lot, each dwelling structure shall be provided with the minimum lot frontage, lot area, front yard, rear and side yards as are required for one such dwelling on a lot in the same zone. (Ord. 633. Passed 4-11-60.)

1131.20 LOT AREA.
"Lot area" means the total area of a lot within the property lines, excluding any portion of a street or alley. (Ord. 633. Passed 4-11-60.)

1131.21 LOT, CORNER.
"Corner lot" means a parcel of land at the junction of, and fronting on, two or more intersecting streets. (Ord. 633. Passed 4-11-60.)

1131.22 LOT LINE, FRONT.
"Front lot line" means the line of a property at the right of way of the street or easement that affords the principal means of access to the premises. In the case of a corner lot, it is that street line designated on the subdivision plat as the front lot line or if there is no such designation on the plat, the front lot line shall be deemed to be the shortest of the side lines facing on the dedicated streets. (Ord. 633. Passed 4-11-60.)

1131.23 LOT LINE, REAR.
"Rear lot line" means the lot line generally opposite the front lot line. If less than ten feet in length, or if the lot comes to a point in the rear, the rear lot line shall be considered to be a line parallel to the front lot line, not less than ten feet long, lying wholly within the lot and farthest from the front lot line. (Ord. 633. Passed 4-11-60.)

1131.24 LOT LINE, SIDE.
"Side lot line" means a lot line other than a front or rear lot line. (Ord. 633. Passed 4-11-60.)

1131.25 LOT, REVERSE CORNER.
"Reverse corner lot" means a corner lot, the rear line of which is all or part of the side lot line of an abutting lot. (Ord. 633. Passed 4-11-60.)

1131.26 LOT WIDTH.
"Lot width" means the dimension of a lot, measured at right angles to the average bearing of the side lot lines, at the front lot line or at the front yard line. (Ord. 633. Passed 4-11-60.)
1131.27 MAIN BUILDING.
"Main building" means a building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling shall be considered to be the main building on the lot on which it is located.
(Ord. 633. Passed 4-11-60.)

1131.28 NONCONFORMING USE.
"Nonconforming use" means a lawful use of land or of a building which does not conform to the use standards of this Zoning Ordinance for the district in which it is located.
(Ord. 633. Passed 4-11-60.)

1131.29 PROPERTY LINE.
See "Lot line". (Section 1131.22 et seq.)
(Ord. 633. Passed 4-11-60.)

1131.30 PUBLIC PARKING LOT.
"Public parking lot" means any lot municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.
(Ord. 633. Passed 4-11-60.)

1131.31 RESIDENTIAL HOTEL.
"Residential hotel" means a dwelling occupied by permanent guests which may or may not have housekeeping facilities for each room or suite of rooms.
(Ord. 633. Passed 4-11-60.)

1131.32 SIGN.
"Sign" means any advertising structure or display located outside a building including signs attached to or painted on the wall or roof of a building.
(Ord. 633. Passed 4-11-60.)

1131.33 STORY.
"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if the top story, that part between the surface of the floor and the ceiling above it. A basement shall be counted as a story if it is used as a separate dwelling. (Ord. 633. Passed 4-11-60.)

1131.34 STORY, HALF.
"Half story" means a story with two or more opposite sides meeting a sloping roof not more than three feet above the floor of such story.
(Ord. 633. Passed 4-11-60.)

1131.35 STREET.
"Street" means a public thoroughfare which affords the principal means of access to abutting property. (Ord. 633. Passed 4-11-60.)

1131.36 STRUCTURE.
See "Building". (Section 1131.07.) (Ord. 633. Passed 4-11-60.)
1131.37 TOURIST HOME.
"Tourist home" means a dwelling in which overnight accommodations are provided for transient guests for compensation, and the outward appearance of which continues to be residential in character. (Ord. 633. Passed 4-11-60.)

1131.38 YARD.
"Yard" means an open space of uniform width or depth, and on the same lot with a building or group of buildings, lying between any part of the building(s) and the nearest lot line and which is unoccupied and unobstructed from the ground upward. The width or depth of a yard shall be parallel to and measured at right angles to the corresponding lot line. (Ord. 633. Passed 4-11-60.)

1131.39 YARD, FRONT.
"Front yard" means a yard extending across the full width of a lot and lying between the front lot line and the nearest part of a building. (Ord. 633. Passed 4-11-60.)

1131.40 YARD, REAR.
"Rear yard" means a yard extending across the full width of a lot and lying between the rear lot line and the nearest part of the building. (Ord. 633. Passed 4-11-60.)

1131.41 YARD, SIDE.
"Side yard" means a yard between each side lot line and the nearest part of a building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line as the case may be. (Ord. 633. Passed 4-11-60.)

1131.42 ZONE.
"Zone" means a classification of use, and the standards pertaining thereto, as described in this Zoning Ordinance and as applied to certain areas in the Municipality. (Ord. 633. Passed 4-11-60.)

1131.43 ZONING ORDINANCE.
"Zoning Ordinance" means Ordinance 633, passed April 11, 1960, as amended and codified herein as Titles Three and Five of this Part Eleven—Planning and Zoning Code. (Ord. 633. Passed 4-11-60.)
CHAPTER 1133
General Provisions

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CROSS REFERENCES
Building permits – see BLDG. Ch. 1323
Electrical permits – see BLDG. 1327.06
Special permit in abatement of public nuisance – see BLDG. 1329.04

1133.01 PURPOSE.
This comprehensive plan is part of a long-range general plan to guide and facilitate the orderly and beneficial growth of the community and to promote the public health, safety, convenience, prosperity and general welfare. More specifically, the purpose of this zoning plan is to encourage the social and economic stability of neighborhoods; to protect and conserve property value by minimizing conflicts in the use of neighboring property; to insure adequate open spaces between buildings; to act as a guide for the economical provision of public facilities and services; and to assist private land owners in the enjoyment and use of land and buildings. (Ord. 633. Passed 4-11-60.)

1133.02 TITLE.
This Zoning Ordinance may be known and cited as the Comprehensive Zoning Code of the Municipality of Shadyside, Ohio. (Ord. 633. Passed 4-11-60.)

1133.03 AMENDMENT PROCEDURE.
Amendments to the text or map of this Zoning Ordinance may be made in the manner prescribed by law as follows:
(a) The Planning Commission, Council or any property owner or group of property owners may propose an amendment to this Zoning Ordinance. All such proposed amendments shall be submitted to the Planning Commission for study and approval.
(b) The Planning Commission shall have a reasonable time but not more than thirty days to report its findings. For any proposed amendment submitted by Council or a property owner or a group of property owners, the Planning Commission shall report its findings, whether favorable or unfavorable, to Council.
(c) No amendment that is reported unfavorably by the Planning Commission shall be adopted by Council, except by affirmative vote of not less than three-fourths of all Council members.

(d) Following the receipt of the Planning Commission report on any proposed amendment and prior to the third reading of the amended ordinance, Council shall hold a public hearing thereon and shall give thirty days notice of the same by legal advertising and by any other means required by law.

(e) During this thirty-day period the amending ordinance, together with any maps that may be part of it, and the report of the Planning Commission shall be on file in the office of the Clerk of Council.
(Ord. 633. Passed 4-11-60.)

1133.04 ADVERTISING COST FOR LEGAL NOTICE; PETITION FEE.
(a) Whenever any property owner or group of property owners submits a petition for a proposed rezoning or amendment to this Zoning Ordinance, there shall accompany the petition a rezoning fee of ten dollars ($10.00). The fee shall be used by the Clerk of Council to defray the cost of legal notices, publication and advertising.

(b) Whenever a rezoning amendment to this Zoning Ordinance is initiated by Council or the Planning Commission, advertising costs, legal notices and other publication costs shall be charged to the General Advertising Fund for the Municipality.
(Ord. 633. Passed 4-11-60.)

1133.05 BUILDING PERMIT; OCCUPANCY CERTIFICATE.
(a) No construction, reconstruction, alteration, enlargement or moving of any building or excavation for any of these purposes shall be started without a permit approved by Council, certifying compliance with the provisions of this Zoning Ordinance.

(b) No new use of land or buildings shall be started without obtaining a certificate of occupancy approving the use as to compliance with this Zoning Ordinance.

(c) Every application for a building permit or certificate of occupancy shall contain or be accompanied by such information, data, plot plans, building plans or sketches as deemed necessary. (Ord. 633. Passed 4-11-60.)

1133.06 PERIOD OF VALIDITY OF PERMITS.
Any building permit or certificate of occupancy issued shall be void after six months from date of such approval, unless in the case of new construction, work shall have been done above the foundation walls, and in cases of occupancy of land or reconstruction for occupancy of buildings, the operation called for by such permit shall be well under way by the end of the six months period. Application for renewal of all permits shall be subject to the same procedure as an original application.
(Ord. 633. Passed 4-11-60.)
1133.07 UNLAWFUL BUILDINGS AND USES.
Any building, erected, constructed, altered, enlarged, converted, moved or used contrary to any of the provisions of this Zoning Ordinance, and any use of land or building which is conducted, operated or maintained contrary to any of the provisions of this Zoning Ordinance is hereby declared to be unlawful.
(Ord. 633. Passed 4-11-60.)

1133.08 LEGAL ACTION BY SOLICITOR.
Upon becoming aware of any violation of any provision of this Zoning Ordinance, notice of such violation shall be served on the person or corporation committing or permitting the same, and if such violation has not ceased within such reasonable time as may be specified, the facts in the case shall be presented to the Solicitor of the Municipality. The Solicitor shall, immediately upon a violation of this Zoning Ordinance having been called to his attention, institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful construction, reconstruction, alteration, conversion, maintenance or use. Such action may also be instituted by the owner of any contiguous or neighboring property who would be especially damaged by any violation of this Zoning Ordinance. (Ord. 633. Passed 4-11-60.)

1133.09 SEPARABILITY.
If any section, subsection, chapter, clause, phrase or other part of this Zoning Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Zoning Ordinance. Council hereby declares that it would have passed this Zoning Ordinance and each section, subsection, chapter, sentence, clause, phrase, and any other parts thereof, irrespective of the fact that any of its parts are declared invalid. (Ord. 633. Passed 4-11-60.)

1133.99 PENALTY.
Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, who violates any provision of this Zoning Ordinance or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, alters, enlarges, converts, moves or uses any building, or uses any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this Zoning Ordinance, shall be fined not more than fifty dollars ($50.00). Such person or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Zoning Ordinance is committed, continued or permitted by such person or corporation and shall be punishable therefor as provided herein. (Ord. 633. Passed 4-11-60.)
CHAPTER 1135
Board of Zoning Appeals

1135.01 Membership, appointment.
1135.02 Officers.
1135.03 Public hearings.
1135.04 Procedure.
1135.05 The calendar.
1135.06 Final disposition of appeal.
1135.07 Rehearsals.
1135.08 Power and duties of the Board; variances.

CROSS REFERENCES
Appeals from zoning decisions - see Ohio R.C. 713.11
Planning Commission - see P.&Z. 1101.01
Variances - see P.&Z. Ch. 1167

1135.01 MEMBERSHIP, APPOINTMENT.
An administrative board is hereby created, to be known as the Board of Zoning Appeals, consisting of five members. Four of the members shall be residents of the Municipality, appointed by the Mayor and one shall be a citizen member of the Planning Commission, appointed by the Commission. No person holding any other public office or position in the local government, except the member appointed from the Planning Commission, shall be eligible for appointment to the Board. The members of the first Board shall take office as of the date of their appointment. The term of the first appointed member shall expire December 31, 1960, the second, third and fourth appointed members' terms shall expire two, three and four years respectively, following their date of appointment. The member appointed from the Planning Commission shall serve on the Board during his period of service with the Planning Commission. (Ord. 633. Passed 4-11-60.)

1135.02 OFFICERS.
The Board of Zoning Appeals shall organize by electing from its membership a chairman, vice-chairman and secretary, to serve for a one year term, with election of officers to take place the first meeting of each calendar year. (Ord. 633. Passed 4-11-60.)

1135.03 PUBLIC HEARINGS.
(a) Regular sessions designated as public hearings of the Board of Zoning Appeals shall be held on such date, time and place as the Board of Zoning Appeals shall establish.

(b) Special sessions may be called by the chairman, or at the request of two members, provided that notice of the same has been mailed to each member at least twenty-four hours before the time set, except that the announcement of a special session at any meeting at which a quorum is present shall be sufficient notice of such meeting.
(c) All hearing sessions shall be open to the public.

(d) A quorum of the Board of Zoning Appeals shall consist of three members.

(e) The Board shall keep minutes of its proceedings showing the vote of each member on every question, or if absent or failing to vote, indicating such fact, and it shall also keep records of its examinations and other official actions.

(f) The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the enforcing officer, or to decide in favor of the appellant any matter upon which it is required to pass under the Zoning Ordinance, or to effect any variation therein. Such appeal shall be taken within thirty days after the date of the decision of the enforcing officer by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.

(Ord. 633. Passed 4-11-60.)

1135.04 PROCEDURE.
Every appeal shall be made to the Board of Zoning Appeals in writing. The procedure of appeals shall be as follows:

(a) A written appeal shall be filed with the enforcing officer by the party aggrieved by any order or decision of the enforcing officer. The appeal shall be accompanied by accurate plans and specifications of the proposed work showing also the plot of land to be built upon, together with the placement of the proposed building and all other existing or proposed structures.

(b) Every appeal shall be taken within thirty days from date of any refusal by the enforcing officer to issue the permit.

(c) Any communication purporting to be an appeal shall be regarded as mere notice to seek relief and shall not be considered by the Board until it is made on the form required.

(d) Upon receipt of any such communication, the applicant shall be supplied with the proper forms before placing his appeal, and if he fails to file with the Board of Zoning Appeals the form properly filled out and executed and to supply the required data within thirty days from the date of refusal of the permit by the enforcing officer his case shall be dismissed for lack of prosecution.

(e) The appeal shall be accompanied with the sum of ten dollars ($10.00) either in cash or certified check payable to the Board of Zoning Appeals, which amount shall be used to defray the cost of the required notices. Any unused balance shall be returned to the appellant after the final action of the Board in each case.

(f) At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption by the other.

(g) Every person before the rostrum shall abide by the order and direction of the chairman. Discourteous or disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and shall be dealt with as the chairman deems proper. (Ord. 633. Passed 4-11-60.)
1135.05 THE CALENDAR.
(a) Each appeal, filed in proper form with the required data, shall be numbered serially, and shall be placed upon the calendar of the Board of Zoning Appeals by the enforcing officer. The calendar numbers shall begin anew on January 1 of each year, and shall be hyphenated with the number of the year in which the appeal is filed.

(b) Appeals shall be assigned for hearing in the order in which they appear on the calendar thereof, except that an appeal may be advanced for hearing by order of the Board, upon good cause being shown.

(c) Five days' notice of the hearing of an appeal shall be sent by mail to the appellant and all directly affected property owners. The notice to the appellant shall be sent by registered mail to the address given in the appeal. The cost of publishing any legal notice and the postage for mailing the required notices to the appellant and affected property owners shall be deducted from the ten dollar deposit made with the Board at the time of filing the appeal. (Ord. 633. Passed 4-11-60.)

1135.06 FINAL DISPOSITION OF APPEAL.
(a) The final disposition of any appeal to the Board of Zoning Appeals shall be in the form of a resolution which shall affirm, modify or reverse the refusal of a permit by, or any order or decision of the enforcing officer.

(b) The Board may set out in the resolution the condition or conditions upon which the permit may be issued in order to carry out the purposes and intent of this chapter. The concurring vote of three members shall be necessary to a decision. If a resolution presented at any meeting fails to receive three concurring votes, it shall be presented again at the next meeting.

(c) Any appellant may withdraw his appeal at any time prior to the decision of the Board of Zoning Appeals thereon. (Ord. 633. Passed 4-11-60.)

1135.07 REHEARINGS.
(a) No rehearing of the decision by the Board of Zoning Appeals shall be had except:
(1) On motion to reconsider the vote, or
(2) On a written request for a rehearing.

(b) If the motion to reconsider receives three affirmative votes, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing subject to such conditions as the Board may, by resolution in each case, stipulate.

(c) No request to grant a rehearing will be entertained unless new evidence is submitted, which could not reasonably be presented at the previous hearing. If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for rehearing shall be in writing, citing the reasons for the request and shall be duly verified, and accompanied by the necessary data and diagram. The person requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board, of which he shall be notified. (Ord. 633. Passed 4-11-60.)
1135.08 POWER AND DUTIES OF THE BOARD; VARIANCES.

(a) The Board of Zoning Appeals shall have such duties and powers as are set forth in the various sections of this chapter. The Board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter. It shall hear and decide all questions brought before it by appeal from the refusal, granting or revocation of permits by the enforcing officer under the provisions of this chapter. It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter. Within its powers, the Board may reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination as, in its opinion, ought to be done under the circumstances and to that end shall have all the powers of the officer from whom the appeal is taken and it may issue or direct the issuance of a permit.

(b) The Board of Zoning Appeals shall have the power to permit exceptions to and variations from the regulations as follows:

1. Permit the extension of an existing or proposed building or use into a more restricted district under such conditions as will safeguard the character of the more restricted district.

2. Grant a permit in any residence or commercial district for a temporary building or use incidental to the residential or commercial development, such permit to be issued for a period of not more than two years.

3. Grant a permit in an industrial district for a building or use otherwise excluded from such district, provided such building or use is distinctly incidental and essential to a use of a building or plant with a series of buildings permitted in such district, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

4. Apply the provisions of this chapter in such a way as to carry out the true intent and purpose where the street and alley layout on the ground differs from the layout shown on the building zone map.

5. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the Board of Zoning Appeals shall have the power in a specific case to vary the application of any such provision in harmony with the general purpose and intent of this chapter so that the public health, safety, morals and general welfare may be secured and substantial justice done.

6. To grant variances for side, front or rear yards, whenever the provisions of this Zoning Ordinance in respect to these requirements shall affect construction on any lot which is nonconforming as to size or area as a result of the adoption of this Zoning Ordinance. Owners of such property must show that the normal application of the standards for the zoning district in which the lot is located would deprive the owner of practical use of the lot or would be contrary to established front, side, or rear yard setbacks by a majority of the structures within the same block in which the lot is located. Such variances shall be to the minimum degree necessary to permit reasonable use of the lot. Such variances shall not be granted if a majority of the buildings on lots within the block in which the lot for which the variance is requested shall not be substandard in respect to the variance being requested.
(7) To decide in case of question as to the exact location of a zone district boundary line of the Zone District Map or as to the interpretation of any of the provisions of this Zoning Ordinance.

(8) To hear any appeal taken by a property owner as a result of the denial of a building permit or a certificate of occupancy, when the property owner holds that such a denial is unreasonable or unjust or would require him to adhere to standards not adhered to by at least fifty percent of the properties in the block in which the lot is located.

(Ord. 633. Passed 4-11-60.)
TITLE FIVE - Zoning Districts and Use Regulations
Chap. 1151. Districts Established.
Chap. 1153. Residence A District.
Chap. 1155. Residence B District.
Chap. 1157. Commercial District.
Chap. 1159. Industrial District.
Chap. 1161. Prohibited Uses.
Chap. 1163. Additional Regulations.
Chap. 1167. Variances.

CHAPTER 1151
Districts Established

1151.01 Designation of districts.
1151.02 Zone District Map; compliance required.
1151.03 Use regulations.

CROSS REFERENCES
Basis of districts - see Ohio R.C. 713.10
Zoning Map changes - see PRLIM, Table I
Amendments - see P. & Z. 1133.03

1151.01 DESIGNATION OF DISTRICTS.
In order to designate districts for the purposes of this Zoning Ordinance, the Municipality is hereby divided into the following districts:

RESIDENCE A;
RESIDENCE B;
COMMERCIAL;
INDUSTRIAL;
PUBLIC AND SEMI-PUBLIC LANDS AND INSTITUTIONS.

(Ord. 633. Passed 4-11-60.)

1151.02 ZONE DISTRICT MAP; COMPLIANCE REQUIRED.
The boundaries of the districts are hereby established upon the Zone District Map which is so designated and is on file in the office of Clerk of Council.
The Zone District Map and the legend attached to the Map are hereby made a part of this Zoning Ordinance. No building or structure shall be erected or altered, nor shall any building or premises be used for any purpose, other than a use permitted in the zone district in which such building or premises is located. No building or premises shall be used so as to produce greater heights, smaller yards, or less unoccupied area and no building shall be occupied by more families than hereinafter prescribed for the zone district in which it is located. No lot which is now or may be hereafter built upon as herein required, may be so reduced in area so that the yards and open spaces will be smaller than prescribed by this Zoning Ordinance, and no yard, court or open space provided about any building for the purpose of complying with the provisions hereof shall be used as a yard, court or other open space for any other building. (Ord. 633. Passed 4-11-60.)

1151.03 USE REGULATIONS.

The descriptions of zone districts in the chapters that follow are intended to give clearly defined distinctions as to the types of uses, heights of buildings and lot and yard areas applicable to each district. The specific uses listed for each district are intended to include any other uses of similar nature but not other uses that are listed, or similar to those listed, for another district. The enforcing officer shall decide as to the proper district for any type of use not specifically listed herein; an appeal from such a decision may be taken to the Board of Zoning Appeals. (Ord. 633. Passed 4-11-60.)
CHAPTER 1153
Residence A District

1153.01 Permitted uses.
1153.02 Height.
1153.03 Rear yards.
1153.04 Accessory buildings.
1153.05 Side yards.

1153.06 Setback.
1153.07 Lot width.
1153.08 Lot area.
1153.09 Off-street parking.

CROSS REFERENCES
Prohibited uses – see P.&Z. Ch. 1161
Additional regulations – see P.&Z. Ch. 1163
Nonconforming uses – see P.&Z. Ch. 1165
House trailers – see P.&Z. Ch. 1181

1153.01 PERMITTED USES.
The following uses are permitted in a Residence A District and within such district, no building, structure or premises shall be used or designed to be used, except for one or more of the following uses:

(a) A detached dwelling for only one family or for one housekeeping unit.
(b) The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers, together with the resident members of the family, do not exceed two in number for each regular sleeping room available in such premises.
(c) Auditoriums.
(d) Churches, convents, monasteries and similar religious activities.
(e) Customary home occupations carried on in the residence of the occupant and not in an accessory building, provided that not more than one-half of the floor area of one story is devoted to such uses.
(f) Day nurseries and kindergartens.
(g) Institutions of a religious or philanthropic character, other than correctional institutions.
(h) Libraries.
(i) Municipal buildings, playgrounds and parks.
(j) Museums, noncommercial.
(k) Recreation activities, noncommercial.
(l) Schools and colleges of a nonprofit nature.
(m) Stadiums.
(n) Utility service facilities to the extent necessary to serve the surrounding areas.

(o) Accessory uses customarily incidental to any of the above permitted uses but not including the conduct of a business or industry or any driveway or walk giving access thereto:

1. A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted. No part of such garage shall be used as a residence or dwelling unit.

2. The office or studio of a physician, dentist, musician or other like professional person may be located in the building used by such professional person as his residence, provided there is no display visible from the street nor sign board used to advertise such uses, except in accordance with subsection (p) hereof.

(p) Signs pertaining to the lease, sale or use of a lot or building may be placed thereon, provided that the total area of all such signs does not exceed eight square feet and that on a lot occupied by a dwelling a sign pertaining to the use thereof or bearing the name or occupation of an occupant shall not exceed one square foot for each family housed. A sign or bulletin board not exceeding twelve square feet in area may be erected upon the premises of a church or other institution for the purpose of displaying the name and activities or services therein provided. A nonconforming business use may have exterior signs aggregating not more than nine square feet in area on any lot.

(Ord. 633. Passed 4-11-60.)

1153.02 HEIGHT.

In a Residence A District no building shall exceed thirty-five feet or two and one-half stories in height. Churches, hospitals, schools or any other public building permitted to be constructed in a Residence A District may be built to a height of seventy feet or six stories provided any such building sets back from every street and lot line one foot for each foot of height of the building in excess of thirty-five feet, in addition to other yard and setback requirements herein specified. (Ord. 633. Passed 4-11-60.)

1153.03 REAR YARDS.

In a Residence A District there shall be a rear yard on every lot. The rear yard shall have a minimum depth of twenty-five feet for a one-story building, which depth shall be increased to thirty feet for a two or a two and one-half story building.

(Ord. 633. Passed 4-11-60.)

1153.04 ACCESSORY BUILDINGS.

Accessory buildings not over fifteen feet high may be located in the rear yard, provided such accessory buildings come not nearer than three feet to any lot line, and provided further that no wall of the accessory building may be located nearer than six feet from the wall of the main building nor shall any roof projection or gutter of the accessory building be located nearer than three feet from the roof projection or gutter of the main building. In case of a corner lot, no wall of an accessory building shall be nearer to a side street line than the side line of the main building and it shall also be as far from the side street line as the setback line fixed by this chapter for buildings on the side street lots or as near thereto as the width of the lot will permit.

(Ord. 1015. Passed 12-8-80.)
1155.02 HEIGHT.
In a Residence B District no building shall exceed forty-five feet or three stories in height. Churches, hospitals, schools or any other public building permitted to be constructed in a Residence B District may be constructed to a height of seventy feet or six stories, provided any such building shall be set back from every street and lot line, in addition to other yard and setback requirements herein specified, one foot for each foot of height in excess of forty-five feet.
(Ord. 633, Passed 4-11-60.)

1155.03 REAR YARD.
In a Residence B District there shall be a rear yard on every lot which rear yard shall have a minimum depth of twenty-five feet for a one-story building, thirty feet for a two-story building and thirty six feet for a three-story building.
(Ord. 633, Passed 4-11-60.)

1155.04 ACCESSORY BUILDINGS.
In a Residence B District, accessory buildings not more than fifteen feet high may be located in the rear yard, provided they come not nearer than three feet to any lot line, and provided further that no wall of the accessory building may be located nearer than six feet from the wall of the main building nor shall any roof projection or gutter of the accessory building be located nearer than three feet from the roof projection or gutter of the main building. In the case of a corner lot, no wall of an accessory building shall be nearer to a side street than the side line of the main building and it shall also be as far from the side street line as the setback line fixed by this chapter for building on the side street lots or as near thereto as the width of the lot will permit. (Ord. 1016. Passed 12-8-80.)

1155.05 SIDE YARDS.
In a Residence B District there shall be a side yard on each side of every building except as above provided for accessory buildings. The minimum width of any side yard and the least sum of the widths of both side yards, shall be as follows:

<table>
<thead>
<tr>
<th>Number of</th>
<th>Least Width</th>
<th>Least Sum of Widths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories</td>
<td>of Side Yard</td>
<td>of Both Side Yards</td>
</tr>
<tr>
<td>1 and 1 1/2</td>
<td>5 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>2 and 2 1/2</td>
<td>6 feet</td>
<td>12 feet</td>
</tr>
<tr>
<td>3</td>
<td>7 feet</td>
<td>14 feet</td>
</tr>
</tbody>
</table>
(Ord. 633, Passed 4-11-60.)

1155.06 SETBACK.
In a Residence B District no building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the front lot line the average distance therefrom of the buildings fronting on the same side of the street within the block on April 1, 1960. Where no building exists on the same side of the street within the block, no new building shall be erected with its street wall or walls nearer than twenty feet to the street line. Steps, uncovered porches and covered but unenclosed porches on the first story, which do not extend more than ten feet beyond the front wall of the building are exempt from the foregoing provisions. The foregoing setback line provisions apply only along the front lot line.
(Ord. 633, Passed 4-11-60.)
1155.07 FRONTAGE.
In a Residence B District the minimum width of any lot shall be fifty feet at a distance of twenty feet back from the front lot line. Each dwelling unit over two shall have an additional ten feet of frontage. (Ord. 633. Passed 4-11-60.)

1155.08 LOT AREA.
In a Residence B District the minimum lot area requirements shall be as follows:
- Single-family dwelling 5,000 square feet
- Two-family dwelling 5,000 square feet
- Three-family dwelling 6,000 square feet
- Four-family dwelling 7,000 square feet
(Ord. 633. Passed 4-11-60.)

1155.09 OFF-STREET PARKING.
There shall be provided, at the time of erection of any new main residence building in the Residence B District, one off-street parking space per dwelling unit, for parking of private vehicles. Such parking space shall be located on the same lot as the main building and may be installed as an integral part of the main building, provided in a detached private garage or be an open space on the lot having a minimum area of 200 square feet for each required space. (Ord. 633. Passed 4-11-60.)
1153.05 SIDE YARDS.
There shall be a side yard on each side of every building except as heretofore provided for accessory buildings. The minimum width of any side yard shall be ten percent of the lot width for each side yard but not less than five feet. (Ord. 633. Passed 4-11-60.)

1153.06 SETBACK.
In a Residence A District no building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the front lot line the average distance therefrom of the buildings fronting on the same side of the street within the block on April 1, 1960. Where no building exists fronting on the same side of the street within the block, no new buildings shall be erected with its street wall or walls nearer than thirty feet to the street line. Steps, uncovered porches and covered but unenclosed porches on the first story which do not extend more than ten feet beyond the front wall of the building are exempt from the foregoing provisions.
The foregoing setback line provisions shall apply only along the front lot line. (Ord. 633. Passed 4-11-60.)

1153.07 LOT WIDTH.
In a Residence A District the minimum frontage of any lot at a distance of thirty feet from the front lot line shall be seventy feet. (Ord. 633. Passed 4-11-60.)

1153.08 LOT AREA.
In a Residence A District the minimum requirement shall be seven thousand square feet of lot area for each dwelling. (Ord. 633. Passed 4-11-60.)

1153.09 OFF-STREET PARKING.
There shall be provided at the time of erection of any new main residence building in the Residence A District, one off-street parking space per dwelling unit for parking of private vehicles. The parking space shall be located on the same lot as the main building and may be installed as an integral part of the main building, provided in a detached private garage or be an open space on the lot having a minimum area of 200 square feet for each required space. (Ord. 633. Passed 4-11-60.)
CHAPTER 1155
Residence B District

1155.01 Permitted uses.
1155.02 Height.
1155.03 Rear yard.
1155.04 Accessory buildings.
1155.05 Side yards.
1155.06 Setback.
1155.07 Frontage.
1155.08 Lot area.
1155.09 Off-street parking.

CROSS REFERENCES
Prohibited uses - see P. & Z. Ch. 1161
Additional regulations - see P. & Z. Ch. 1163
Nonconforming uses - see P. & Z. Ch. 1165
House trailers - see P. & Z. Ch. 1181

1155.01 PERMITTED USES.
The following uses are permitted in a Residence B District and within such district, no building, structure or premises shall be used or designed to be used, except for one or more of the following uses:
(a) Any use permitted in a Residence A District.
(b) Detached dwellings for not more than two families.
(c) Multi-family residence where the frontage and area requirements of this chapter can be obtained.
(d) Accessory uses as permitted and regulated in a Residence A District.
(e) Clubs, lodges and social or recreation centers not operated in a commercial manner.
(f) Home occupations.
(g) Homes for the aged, indigent or orphans.
(h) Hospitals, sanitariums, convalescent and nursing homes, but not establishments for the care of contagious disease, epileptic, drug or liquor patients, or for criminals.
(i) Police and fire stations.
(j) Professional offices up to four in number.
(k) Social service, charitable and philanthropic institutions, but not including transient rooming accommodations or dormitories operated by such institutions.
(l) Tea rooms and similar places of gathering that are used for private parties, provided that no food or drink is served to the walk-in public and that no advertising is set up on the premises except in conformity with Section 1153.01(p).
(m) Tourist homes which are operated as a part of a residence.
(Ord. 633. Passed 4-11-60.)
CHAPTER 1157
Commercial District

1157.01 Permitted uses.
1157.02 Height, yard, setback, frontage
and area requirements.

CROSS REFERENCES
Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Prohibited uses - see P. & Z. Ch. 1161
Additional regulations - see P. & Z. Ch. 1163
Nonconforming uses - see P. & Z. Ch. 1165

1157.01 PERMITTED USES.
The following uses are permitted in a Commercial District and within such district
no building, structure or premises shall be used or designed to be used, except for one
or more of the following uses:
(a) Any use permitted in a Residence A or B District.
(b) Auto sales, repair garages, used car lots, gasoline service stations (but not
wrecking or dismantling vehicles, or the storage of disabled or dismantled
vehicles).
(c) Banks, post offices and establishments providing similar public services.
(d) Bowling alleys, pool rooms, skating rinks.
(e) Cleaning and pressing establishments (but not wholesale or bulk cleaning and
dyeing plants).
(f) Drive-in restaurants and dairy bars.
(g) Hotels.
(h) Offices, theaters, personal service shops (including beauty shops and cosmetology
schools).
(i) Plumbing and heating, sign, furniture repair and upholstery, cabinet making and
pattern shops.
(j) Restaurants, cafes and taverns.
(k) Signs advertising goods and services for sale on the premises or the name of an
owner or occupant; advertising signs and billboards, providing the location is not
closer than 300 feet from a Residence District along the public way or thoroughfare
on which the signs or billboards will front, and is not at the edge of a Residence
District.
(l) Any other building, use or service similar to the uses herein listed in the type
of service or goods sold, in the number of persons employed, in the number and
type of vehicles attracted to the premises and in the effect upon adjacent areas.
(Ord. 633. Passed 4-11-60.)
1157.02 HEIGHT, YARD, SETBACK, FRONTAGE AND AREA REQUIREMENTS.

(a) Business uses. In a Commercial District no area, frontage or yard regulations shall apply except for a lot which abuts a Residence District. In this case, there shall be a front yard applicable to the business lot of ten feet or one-half the average front yard of the nearest residence in the adjoining Residence District, whichever is greater. However, in no case need this front yard be more than twenty feet.

(b) Residence Uses. Same as for Residence B District.
(Ord. 633. Passed 4-11-60.)
CHAPTER 1159
Industrial District

1159.01 Permitted uses.
1159.02 Height, yard, setback, frontage and area requirements.

CROSS REFERENCES
Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Power to prevent dense smoke - see Ohio R.C. 715.44
Noxious or offensive odors - see GEN. OFF. 521.09
Contamination of public water supply - see GEN. OFF. 521.10
Prohibited uses - see P. & Z. Ch. 1161
Additional regulations - see P. & Z. Ch. 1163

1159.01 PERMITTED USES.
The following uses are permitted in an Industrial District and within such District no building, structure or premises shall be used or designed to be used, except for one or more of the following uses:
(a) Any use permitted in a Commercial District except new residences or dwelling units. Existing dwellings in an Industrial District shall be considered as non-conforming uses. No new dwellings or dwelling units may be constructed in this district.
(b) All manufacturing, processing, assembly, mixing and fabrication of materials, including, but not limited to the following:
(1) Animal pound and boarding kennels.
(2) Automotive parts manufacture, stamping or fabrication.
(3) Bus terminals and garages.
(4) Concrete mixing plants.
(5) Cleaning and dyeing plants.
(6) Commercial storage establishments, including building material storage.
(7) Contractor's equipment storage.
(8) Laundry.
(9) Paint, body repair, vulcanizing and welding plants.
(10) Storage warehouses.
(11) Truck storage and servicing establishments.
(12) Wholesale and distributing establishments.
(c) Also the following uses and/or extensions of present uses, when they are established in a manner that will provide adequate protection against air pollution, water pollution, noise, nuisance, odor or other safety hazards. Complete plans, specifications and operating or processing data shall be submitted to and approved by the Planning Commission and its written approval obtained before authorizing the installation or expansion of these uses:
   (1) Chemicals manufacture.
   (2) Clay products manufacture (other than kiln fired).
   (3) Distilleries and breweries.
   (4) Excelsior manufacture.
   (5) Fuel briquettes manufacture.
   (6) Galvanizing or plating (hot dip).
   (7) Hair, hides and raw fur curing, tanning, dressing, dyeing and storage.
   (8) Iron and steel manufacture and processing.
   (9) Linoleum and other hard surfaced floor coverings manufacture.
   (10) Paint and varnish manufacture (except aluminum paint).
   (11) Roofing materials, building, paper and felt manufacture.
   (12) Rubber tire and tube manufacture.
   (13) Sawmills.
   (14) Scrap metal and metal ore reduction, refining, smelting, and alloying.
   (15) Soaping and glycerine manufacture.
(Ord. 633. Passed 4-11-60.)

1159.02 HEIGHT, YARD, SETBACK, FRONTAGE AND AREA REQUIREMENTS.
(a) Industrial Uses. In an Industrial District there are no height limits, yard and setbacks. A setback not less than forty feet shall be provided on any industrially zoned site abutting any zone of another classification. However, such a setback shall not be required along property lines that front on a public street or highway or other permanent open space of comparable width. The forty foot setback shall be used for landscaping only, except that access driveways and walks are permitted.

(b) Residence Uses. Although new dwellings or dwelling units are not permitted in an Industrial District, nothing shall prevent the remodeling or enlarging of an existing residence provided that:
   (1) No additional dwelling units are added.
   (2) Minimum yard areas are maintained in conformity with the requirements for a Residence B District.
(Ord. 633. Passed 4-11-60.)
CHAPTER 1161
Prohibited Uses

1161.01 Prohibited uses.

CROSS REFERENCES
Additional regulations - see P. & Z. Ch. 1163
House trailers - P. & Z. Ch. 1181

1161.01 PROHIBITED USES.
The following uses shall not be permitted in any zone district in the Municipality:
(a) Aluminum powder or paint manufacture.
(b) Automobile or truck wrecking, and the dismantling or storage of disabled vehicles.
(c) Cement, lime, gypsum, or plaster-of-Paris manufacture.
(d) Commercial feeding establishments for cattle, fowl or hogs.
(e) Explosives (including ammunition and fireworks) manufacture, or wholesale storage.
(f) Fertilizer manufacture, either organic or non-organic, but not limiting the treatment of sewerage by the Municipality.
(g) Pulp or fiber reduction or processing.
(h) Rendering of animals, fowl, garbage or waste.
(i) Stockyards or the commercial slaughtering of animals or fowl.
(j) Trailers, camp cars, mobile homes or other portable vehicles, on or off wheels, that are to be used or designed to be used for human habitation, except in duly authorized and established trailer courts.
(k) Strip mining, deep or other mining, or excavation activities of coal and other minerals including rock or stone. Loading or unloading operations including the loading of coal, minerals, stone or rock, for transportation by rail or water.
(Ord. 1195. Passed 7-25-88.)
CHAPTER 1163
Additional Regulations

1163.01 Lot area and lot frontage for dwellings.
1163.02 Minimum lot requirements.
1163.03 Storage; projections into yards; height exceptions.
1163.04 Dwelling groups.
1163.05 Classification of annexed areas.
1163.06 Special provision for multiple districts under one ownership.
1163.07 District boundary lines; map inserts.

CROSS REFERENCES
Zoning of annexed areas - see Ohio R.C. 303.25, 519.18
Annexation and detachment of territory - see PRELIM, Table II
Penalty for violation - see P.Z. 1133.99

1163.01 LOT AREA AND LOT FRONTAGE FOR DWELLINGS.
Every dwelling hereafter erected or moved or remodeled into a greater number of dwelling units shall be on a lot that abuts onto a public street with a right-of-way width of not less than thirty feet, has a lot width at the street line or at the building line of not less than fifty feet and a total area of not less than 5,000 square feet. However, any lot which has less width or less area than herein specified or which faces on a public way of less than thirty feet in width, but which was a lot of a recorded subdivision or was in separate ownership prior to the effective date of this Zoning Ordinance (Ordinance 633, passed April 11, 1960) may be used for a dwelling. The number of dwelling units shall be in accordance with the restrictions for the zone district in which it is located. (Ord. 633. Passed 4-11-60.)

1163.02 MINIMUM LOT REQUIREMENTS.
No construction of buildings or division of land by sale shall reduce the width, area or yards of any lot in a Residence District below the standards of this Zoning Ordinance. In a Commercial or Industrial District, no front or rear yard for an existing dwelling may be reduced below eight feet nor any side yard below four feet. No portion of any lot area, yard area or street frontage that is required for a building or use under this Zoning Ordinance may be used by another building or use to conform to the standards of this Zoning Ordinance. However, nothing in this Zoning Ordinance shall prevent the erection of one building on two adjacent lots for a joint garage or other residential accessory use. (Ord. 633. Passed 4-11-60.)

1163.03 STORAGE; PROJECTIONS INTO YARDS; HEIGHT EXCEPTIONS.
There shall be no storage of materials or equipment in a required front or side yard.
An open porch may extend into a front or rear yard up to ten feet. Chimneys, cornices, eaves, and similar features may extend into a yard area a maximum distance of two feet. Radio and television aerials and broadcasting towers, necessary utility services, flagpoles and the like shall not be subject to the height standards of this Zoning Ordinance. (Ord. 633. Passed 4-11-60.)

1163.04 DWELLING GROUPS.
When several dwellings are to be erected under one ownership on a tract containing one acre or more, flexibility of the location of the buildings may be permitted without adhering strictly to the yard and frontage requirements for single lots. However, there shall be similar provision for adequate light, air and circulation between all dwellings. Plans for such development must be approved by the Planning Commission and no reduction of open spaces on an approved plan for a group of dwellings may be made without similar approval of a revised plan. (Ord. 633. Passed 4-11-60.)

1163.05 CLASSIFICATION OF ANNEXED AREAS.
(a) Areas which become annexed to the Municipality subsequent to the adoption of this Zoning Ordinance (April 11, 1960), shall be classified automatically to conform to the zoning district to which they are contiguous. If they are contiguous to more than one district, the Planning Commission shall classify them in accordance with the land uses therein and appropriately to the land uses in the contiguous districts.

(b) Nonconforming uses in these areas shall be subject to the nonconforming use provisions of this Zoning Ordinance.

(c) Areas shown as public and semi-public uses on the Zoning Map shall become classified automatically to conform to the zoning district to which they are contiguous, if and when these areas are made available for private development or use. If they are contiguous to more than one district, the Planning Commission shall classify them in accordance with the land uses in the adjacent contiguous districts.

(d) Public rights of way which become legally closed shall become classified automatically with the district of the adjoining property. Private easements and railroad rights of way shall only be used for the purposes for which the easements or rights of way were established. (Ord. 633. Passed 4-11-60.)

1163.06 SPECIAL PROVISION FOR MULTIPLE DISTRICTS UNDER ONE OWNERSHIP.
Wherever any lot which was in separate ownership prior to the effective date of this Zoning Ordinance (Ordinance 633, passed April 11, 1960), is divided by a district boundary, the Planning Commission may recommend and approve, upon request by the owner of the lot, that up to fifty feet on either side of the district boundary may be zoned to one of the zone districts into which it is divided. (Ord. 633. Passed 4-11-60.)

1163.07 DISTRICT BOUNDARY LINES; MAP INSERTS.
Insofar as is possible, when preparing new zoning district boundaries, the Planning Commission shall draw such boundaries to coincide with existing property lines. If zone boundary lines therefore become irregular in shape, the Planning Commission shall add special detail inserts at larger scale, where necessary, to the Zoning Map in order to clearly define the district boundaries. (Ord. 633. Passed 4-11-60.)
CHAPTER 1165
Nonconforming Uses

1165.01 Existing nonconforming uses may be continued.
1165.02 Extension or alteration.
1165.03 Change in use.
1165.04 Structural alterations.
1165.05 Re-establishment of nonconforming use.

1165.06 Rebuilding after damage; effect of removal of building.
1165.07 Prior permits.
1165.08 Effect of change in district boundaries.

CROSS REFERENCES
Retroactive measures – see Ohio R.C. 713.15
Nonconforming uses in annexed areas – see P. & Z.
1163.05

1165.01 EXISTING NONCONFORMING USES MAY BE CONTINUED.
Any lawful building, structure or use existing now or whenever a district is changed by amendment to this Zoning Ordinance, may be continued although such building, structure or use does not conform to the regulations of the district in which it is located. (Ord. 633. Passed 4-11-60.)

1165.02 EXTENSION OR ALTERATION.
No building or structure, or nonconforming use of a building, structure or land shall hereafter be extended or altered unless such extension or alteration conforms to the provisions of this chapter or the district in which it is located. However, a nonconforming use may be extended throughout those parts of the building which were manifestly arranged or designed for such use prior to April 1, 1960, or the enactment of subsequent amendments to this chapter, if no structural alterations, except those required by law or ordinance, are made therein. (Ord. 633. Passed 4-11-60.)

1165.03 CHANGE IN USE.
Where no structural alterations are made in any building containing a nonconforming use, such use may be changed to one of a similar or more restricted classification, but no building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use. (Ord. 633. Passed 4-11-60.)

1165.04 STRUCTURAL ALTERATIONS.
Structural alterations of a building or structure, which does not conform to the provisions of this chapter, may only be made if the building is being made to conform to the requirements of the district in which it is located. (Ord. 633. Passed 4-11-60.)
1165.05 RE-ESTABLISHMENT OF NONCONFORMING USE.
No nonconforming use may be re-established where such nonconforming use has been discontinued for a period of at least two years. However, this shall not be interpreted to interfere with temporary seasonal nonconforming uses that have been in continual operation for a period of two years prior to the effective date of this Zoning Ordinance (Ordinance 633, passed April 11, 1960). (Ord. 633. Passed 4-11-60.)

1165.06 REBUILDING AFTER DAMAGE; EFFECT OF REMOVAL OF BUILDING.
Any building damaged by fire or other causes to the extent of ninety percent or more of its valuation may be rebuilt only in accordance with this Zoning Ordinance. If any building which has contained a nonconforming use is moved or removed the subsequent use of the property shall conform to this Zoning Ordinance. (Ord. 633. Passed 4-11-60.)

1165.07 PRIOR PERMITS.
The use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this Zoning Ordinance (April 11, 1960) may proceed provided such building is completed within one year, or such use of land established within thirty days after the effective date of this Zoning Ordinance (Ordinance 633, passed April 11, 1960). (Ord. 633. Passed 4-11-60.)

1165.08 EFFECT OF CHANGE IN DISTRICT BOUNDARIES.
Whenever the boundaries of a zone district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Zoning Ordinance. (Ord. 633. Passed 4-11-60.)
CHAPTER 1167
Variance

1167.01 Approval by Planning Commission of setback.

1167.02 Approval by enforcing official of setback.

CROSS REFERENCES
Board of Zoning Appeals - see P. & Z. 1135.03 et seq.

1167.01 APPROVAL BY PLANNING COMMISSION OF SETBACK.
In approving subdivisions the Planning Commission may approve front yard setback lines not in conformity with the required front yard setback lines of the district in which the subdivision is located under the following conditions:
(a) If the terrain is such that adherence to the required normal setback line would make building more than normally difficult, or
(b) If it would make attachment to sewer connection impossible except by use of booster pumps.
(Ord. 633. Passed 4-11-60.)

1167.02 APPROVAL BY ENFORCING OFFICIAL OF SETBACK.
The enforcing official or building officer may grant variances for front yard setbacks less than the normal front yard setback for lots in established subdivisions under the following conditions:
(a) If a front yard setback line has been established within the block in which the lot is located of less than the required front yard setback line by more than fifty percent of the buildings within the block, or
(b) If it would be impossible due to terrain to make a sewer connection without the use of booster pumps, or
(c) If the terrain of the lot is of such a nature as to cause undue hardship by the owner in constructing a building on the premises through adhering to the normal front yard setback line. (Ord. 633. Passed 4-11-60.)

1167.03 PROTEST; APPEAL.
In the event that adjacent property owners protest the granting of a building permit with variances as provided for in this chapter, by the Planning Commission or enforcing officer, the permit shall be denied. The owner may then appeal to the Board of Zoning Appeals, which shall have the right to hear evidence by the property owner requesting the variance and may grant the same if the Board feels the variance is justified.
(Ord. 633. Passed 4-11-60.)
TITLE SEVEN - Supplemental Provisions
Chap. 1181. House Trailers

CHAPTER 1181
House Trailers

1181.01 Definition.
1181.02 House trailers permitted only in trailer parks.
1181.03 Relocation.
1181.04 Liability for violation.
1181.99 Penalty.

CROSS REFERENCES
Prohibited use - see P. & Z. 1161.01(j)

1181.01 DEFINITION.
As used in this chapter: "House trailer" means any self-propelled and nonself-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, whether resting on wheels, jacks or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets or highways. (ORC 4501.01(j)).

1181.02 HOUSE TRAILERS PERMITTED ONLY IN TRAILER PARKS.
No person, firm or corporation shall locate, or permit to be located a house trailer or mobile home, for the purpose of habitation, upon any site, field or tract of land within the corporate limits, except in a house trailer park, which has been duly licensed by the State of Ohio, under Ohio R.C. 3733.01 to 3733.99. (Ord. 608. Passed 8-26-57.)

1181.03 RELOCATION.
No person, firm or corporation who heretofore has located, or permitted to be located, a house trailer on any site, lot, field or tract of land in the Municipality and used for habitation, other than in a duly licensed house trailer park, shall relocate such house trailer once moved from its present site anywhere within the corporate limits, except in a duly licensed house trailer park, or permit the relocation of a house trailer on the vacated site. (Ord. 608. Passed 8-26-57.)
1181.04 LIABILITY FOR VIOLATION.
For the purposes of this chapter, the prohibition against locating house trailers for habitation in the Municipality upon any site other than in a duly licensed house trailer park, shall apply equally to the owner, lessee or other person owning or controlling the land occupied by any house trailer located in violation of the provisions of this chapter as well as to the owner, lessee or other person owning or controlling the house trailer located in violation of the provisions of this chapter.
(Ord. 608. Passed 8-26-57.)

1181.99 PENALTY.
Each day that any premises are occupied by a house trailer in violation of the provisions of this chapter shall be deemed a separate offense and whoever violates Sections 1181.01 or 1181.02 shall be fined not more than one hundred dollars ($100.00) for each offense.