

ZONING CODE

FOR THE

CITY OF LIMA  
ALLEN COUNTY, OHIO

TITLE FOUR - Zoning Code

- Chap. 1240. Definitions.
- Chap. 1242. Administration, Enforcement and Penalty.
- Chap. 1244. Board of Adjustment.
- Chap. 1246. Zoning Map and Districts Generally.
- Chap. 1248. Residential Districts.
- Chap. 1250. Office Districts.
- Chap. 1252. Business Districts.
- Chap. 1254. Industrial Districts.
- Chap. 1256. Use Exceptions.
- Chap. 1258. Height Districts.
- Chap. 1260. Area Districts.
- Chap. 1262. Garages.
- Chap. 1264. Off-Street Parking.
- Chap. 1266. Flood Damage Prevention.

CHAPTER 1240  
Definitions

1240.01 Words and phrases defined.

CROSS REFERENCES

Zoning Map and districts generally - see  
P. & Z. Ch. 1246  
Building Code definitions - see B. & H.  
1402.05

1240.01 WORDS AND PHRASES DEFINED.

The following words and phrases, when used in this Zoning Code, shall have the meanings respectively ascribed to them in this chapter.

(1956 Code Sec. 1311.01)

- (1) Abattoir. "Abattoir" means a use or building arranged or devoted to the killing of animals other than poultry or game. (1956 Code Sec. 1311.02)

- (2) Abutting. "Abutting" means bordering. (1956 Code Sec. 1311.03)
- (3) Accessory Use or Accessory Building. "Accessory use" or "accessory building" means a subordinate use or building customarily incident to and located on the same lot occupied by the main use or building. (1956 Code Sec. 1311.04)
- (4) Alignment. "Alignment" means the location with reference to a line touching the foremost enclosed portions of buildings. (1956 Code Sec. 1311.05)
- (5) Alley. "Alley" means a public way other than a street. (1956 Code Sec. 1311.06)
- (6) Alley Line. "Alley line" means a lot line bordering on any alley. (1956 Code Sec. 1311.07)
- (7) Apartment House. "Apartment house" means a building arranged, intended or designed to be occupied by five or more families living independently of each other and doing their own cooking upon the premises or by five or more individuals or groups of individuals living independently but having a common heating system and a general dining room. (1956 Code Sec. 1311.08)
- (8) Buffer Screening Area. "Buffer screening area" means that area in business or industrial districts which is required to be screened and properly maintained in order to separate the business and/or industrial districts from residential districts. Construction and maintenance of such screening shall be subject to the inspection and approval of the Building Commissioner. (Ord. 245-71. Passed 11-22-71.)
- (9) Building. "Building" includes "structure" and means an edifice, structure or any construction or erection located under or above the surface of the ground. (1956 Code Sec. 1311.09)
- (10) Building Commissioner. "Building Commissioner" is the title of the office of Inspector of Buildings. Whenever the title of Inspector of Buildings appears or is used, the title of Building Commissioner shall be substituted therefor. (Ord. 245-71. Passed 11-22-71.)
- (11) Building Line. "Building line" means the clearance line limiting the approach to a lot line of a building, exclusive of open porches, steps, terraces, walkways or separate accessory buildings. (1956 Code Sec. 1311.10)
- (12) Corner Lot. "Corner lot" means a lot at the intersection of and abutting on two streets not less than thirty feet in width. (1956 Code Sec. 1311.11)
- (13) District. "District" means all properties of the same use, height and area classifications which adjoin or are continuous without intervening property of another classification and regardless of any street, alley, easement or reserve that may intervene.  
The greatest dimensions of the area included in a district shall be the length of the projection of the district upon the centerline of a street which passes through the district or upon which the property abuts, such projections being made at right angles to the street. (1956 Code Sec. 1311.12)
- (14) Double Duplex. "Double duplex" means any separate or detached four-family residence, the first and second floors of which residence are each designed and arranged for use by two families, separated by a vertical division wall. (1956 Code Sec. 1311.13)

- (15) Dry Cleaning Establishment. "Dry cleaning establishment" means a use involving the cleaning or dyeing of fabrics and employing the service of more than three persons, the use of mechanical appliances requiring more than three horsepower or the use of volatile or explosive substances. (1956 Code Sec. 1311.14)
- (16) Dwelling. "Dwelling" means a building arranged, intended or designed to be occupied by not more than four families living independently of each other and doing their own cooking upon the premises. (1956 Code Sec. 1311.15)
- (17) Erect. "Erect" means construct, build, raise or establish either under, upon or above the ground surface. (1956 Code Sec. 1311.16)
- (18) Established Grade. "Established grade" means the elevation of the street curb as fixed by the City. (1956 Code Sec. 1311.17)
- (19) Extend. "Extend" means to enlarge or increase an area used or occupied. (1956 Code Sec. 1311.18)
- (20) Family. "Family" means any number of individuals living together as a single housekeeping unit and doing their own cooking on the premises. (1956 Code Sec. 1311.19)
- (21) Fronting. "Fronting" means bordering, in the sense of affording principal access. (1956 Code Sec. 1311.20)
- (22) Front of a Building, Front Line of a Building and Building Line. "Front of a building," "front line of a building" and "building line" mean; respectively, that portion, building line or yard line adjacent to the street line affording principal access to the building. (1956 Code Sec. 1311.21)
- (23) Front Yard. "Front yard" means an open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot. (1956 Code Sec. 1311.22)
- (24) Garage Repair Shop. "Garage repair shop" means a building or portion of a building in which repairs are made to motor vehicles. (1956 Code Sec. 1311.23)
- (25) Height of a Building. "Height of a building" means the perpendicular distance measured in a straight line from the curb level, or from the finished grade line of the lot when such grade is higher than the curb, to the highest point of the roof beams in the case of flat roofs and to the average of the height of the gable in the case of highpitched roofs. Such measurement shall in all cases be taken through the center of the facade of the house. When a building is on a corner lot and there is more than one grade of level, the measurement shall be taken through the center of the facade on the street having the lower elevation. (1956 Code Sec. 1311.24)
- (26) Industry. "Industry" means operations involved in the manufacture, production or conversion of materials into articles of use. (1956 Code Sec. 1311.25)
- (27) Interior Lot. "Interior lot" means a lot other than a corner lot or that portion of a corner lot area in excess of 7,200 square feet. (1956 Code Sec. 1311.26)
- (28) Least Dimension. "Least dimension" of a yard means the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel, the least dimension shall be the mean distance between them. (1956 Code Sec. 1311.27)

- (29) Lot. "Lot" includes "plat" and means a parcel of land occupied or designated to be occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Zoning Code and such open spaces as are arranged and designed to be used in connection with such building. Such lot may or may not be the same as the lot in a recorded subdivision. (1956 Code Sec. 1311.28)
- (30) Lot Line. "Lot line" means the line of demarcation between either public or private properties. (1956 Code Sec. 1311.29)
- (31) Nonconforming Use. "Nonconforming use" means a use that does not comply with the regulations of the district in which it is situated. (1956 Code Sec. 1311.30)
- (32) Office. "Office" means a building arranged, intended or designed to be occupied, in which the affairs of a business, professional person or branch of government are conducted. (Ord. 248-69. Passed 8-11-69.)
- (33) Person. "Person" means an individual, partnership, corporation, club or association. (1956 Code Sec. 1311.31)
- (34) Premises. "Premises" means lands and everything of a permanent nature which may be owned. (1956 Code Sec. 1311.32)
- (35) Private Garage. "Private garage" means a building or portion of a building for the housing of motor vehicles as an accessory use permitted in a residence district and in which no occupation, business or service connected in any way with motor vehicles is carried on. (1956 Code Sec. 1311.33)
- (36) Private Residence. "Private residence" means a place of usual or customary abode. (1956 Code Sec. 1311.34)
- (37) Public Garage. "Public garage" means any building or portion of a building, other than a private garage, for the housing of commercial or noncommercial motor vehicles. (1956 Code Sec. 1311.35)
- (38) Public Notice.
- (a) "Public notice" of a hearing or proceeding by Council means thirty days notice of the time and place thereof by publication in a daily newspaper of general circulation in the City.
- If an ordinance intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, the Clerk of Council, in addition to notice of such public hearing by publication, shall give written notice thereof by first-class mail, at least twenty days before the date of the hearing, to the owners of property within, contiguous to and directly across any and all streets and alleys bordering such parcel or parcels to the addresses appearing on the County Auditor's current tax list or duplicate or on the County Treasurer's mailing list or to the address of the property.
- Failure to deliver such notice or any other technical error or irregularity shall not invalidate such an ordinance.
- During the thirty-day period between publication of the notice and the date of the public hearing, the text or a copy of the text of such ordinance, together with the maps, plans or copies thereof forming part of or referred to in such ordinance and the maps, plans and reports submitted by the Planning Commission, shall be on file for public examination in the office of the Clerk of Council.
- (Ord. 179-76. Passed 11-22-76.)

- (b) "Public notice" of a hearing or proceeding by the Board of Adjustment means ten days notice of the time and place thereof by publication in a daily newspaper of general circulation in the City.

If an application before the Board of Adjustment to vary the provisions of this Zoning Code, filed under the provisions of Section 1244.05, applies to ten or less parcels of land, as listed on the tax duplicate, the secretary to the Board of Adjustment, in addition to notice of such public hearing by publication, shall give written notice thereof by certified or registered mail, at least ten days before the date of the hearing, to the owners of property within, contiguous to and directly across any and all streets and alleys bordering such parcel or parcels to the addresses of such owners appearing on the County Auditor's current tax list or to the address of the property. Failure to deliver such notice or any other technical error or irregularity shall not invalidate any variance granted by the Board.

(Ord. 66-63. Passed 4-15-63.)

- (39) Rear of a Building, Rear Line of a Building and Rear Yard Line. "Rear of a building," "rear line of a building" and "rear yard line" mean, respectively, that portion, building line or yard line opposite to the front line of a building, whether or not affording service access to the building.  
(1956 Code Sec. 1311.37)
- (40) Rear Yard. "Rear yard" means an open, unoccupied space on the same lot as a building between the rear line of the building and the rear line of the lot.  
(1956 Code Sec. 1311.38)
- (41) Residence. "Residence" is the general term implying a place of human habitation and including single-family house, multifamily house and apartment house district classifications. (1956 Code Sec. 1311.39)
- (42) Retail Filling Station. "Retail filling station" means a use involving the supply to individual vehicles, for their use only, of oil, grease or gasoline or other liquid fuel, with other customary incidental service, the storage facilities of which use are not in excess of two tank cars or a total capacity of 30,000 gallons.  
(1956 Code Sec. 1311.40)
- (43) Row. "Row" means a group of connected residences separated by vertical division walls, each residence having its own front and rear yards and having appropriated to it the entire building between the division walls. (1956 Code Sec. 1311.41)
- (44) Shall. "Shall" is always mandatory. (1956 Code Sec. 1311.42)
- (45) Shop for Custom Work. "Shop for custom work" means a building in which an operation of assembly, alteration, repair, service or manufacture, upon order and at retail, is conducted. (1956 Code Sec. 1311.43)
- (46) Side Yard. "Side yard" means an open, unoccupied space on the same lot as a building situated between the building and the side line of the lot and extending from the street or from the front yard to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.  
(1956 Code Sec. 1311.44)
- (47) Single-family Dwelling. "Single-family dwelling" means a separate and detached building arranged, intended or designed to be occupied by not more than one family. (1956 Code Sec. 1311.45)

- (48) Slaughterhouse. "Slaughterhouse" means a use or building arranged or devoted to the killing of animals other than poultry or game. (1956 Code Sec. 1311.46)
- (49) Street. "Street" means a public way thirty feet or more in width. (1956 Code Sec. 1311.47)
- (50) Street Line. "Street line" means a lot line bordering a street, park or other public way, other than an alley line. (1956 Code Sec. 1311.48)
- (51) Structural Alteration. "Structural alteration" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders. (1956 Code Sec. 1311.49)
- (52) Trade. "Trade" means such commercial activities as are entailed in interchange, but does not include operations of manufacture. (1956 Code Sec. 1311.50)
- (53) Use. "Use" means the application of premises or a building to a particular purpose. (1956 Code Sec. 1311.51)
- (54) Yard Use. "Yard use" means the use of open-ground area by an operation or by storage. (1956 Code Sec. 1311.52)
- (55) Zoning Code. "Zoning Code" means Title Four, consisting of Chapters 1240 to 1264, inclusive, of Part Twelve - the Planning and Zoning Code. (1956 Code Sec. 1311.53)

CHAPTER 1242  
Administration, Enforcement and Penalty

1242.01	Enforcement.	1242.06	Petitions for vacation of streets and alleys.
1242.02	Interpretation; purposes.	1242.07	Issuance of building permits; property location.
1242.03	Amendments.	1242.08	Completion of buildings.
1242.04	Development plan.	1242.99	Penalty.
1242.05	Petitions for change in zoning district.		

CROSS REFERENCES

Council may amend districting or zoning - see Ohio R.C. 713.10  
 Appeals from zoning decisions - see Ohio R.C. 713.11  
 Notice and hearing on zoning amendments and regulations - see Ohio R.C. 713.12  
 Violation of zoning ordinances - see Ohio R.C. 713.13  
 Change of name, vacating or narrowing streets on petition - see Ohio R.C. 723.04  
 Board of Adjustment - see P. & Z. 1244.01 et seq.  
 Fees for appeals - see P. & Z. 1244.06  
 Duties of Planning Commission re business, financial or professional offices in Residential Districts - see P. & Z. 1248.03(e)(2)  
 Application of the Building Code to the Zoning Code - see B. & H. 1402.04  
 Stop work orders - see B. & H. 1404.05  
 Building permits, certificates and fees - see B. & H. Ch. 1408  
 Building Commissioner - see B. & H. 1410.01 et seq.

1242.01 ENFORCEMENT.

This Zoning Code shall be enforced by the Building Commissioner under the rules and regulations of the Board of Adjustment. (1956 Code Sec. 1313.01)

1242.02 INTERPRETATION; PURPOSES.

The provisions of this Zoning Code, for purposes of interpretation and application, shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard areas required by this Zoning Code for a particular building shall not be diminished and shall not be included as a part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing on June 6, 1949, shall not be diminished below the requirements herein provided for buildings hereafter erected, and such required areas shall not be included as a part of the required areas of any building hereafter erected. This Zoning Code shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued



or which shall be adopted or issued pursuant to law relating to the use of buildings or premises. However, when this Zoning Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules and regulations, the provisions of this Zoning Code shall control.  
(1956 Code Sec. 1313.02)

#### 1242.03 AMENDMENTS.

(a) Council may, from time to time, on its own motion or on petition, after public notice and hearing, amend the regulations and districts herein established. However, no amendment shall become effective unless it is first submitted for approval to the Planning Commission, which shall be permitted a reasonable time for consideration thereof and report thereon. No amendment disapproved by the Commission shall take effect unless it is passed by two-thirds of the full membership of Council.

(b) If an amendment, as provided in subsection (a) hereof, transfers any area to another district by changing the district boundaries, the provisions of this Zoning Code, with regard to buildings or premises existing on or before June 6, 1949, or buildings for which permits were issued prior to June 6, 1949, shall apply to existing buildings or premises in such transferred area for which permits have been issued prior to the passage of such amendment. (1956 Code Sec. 1313.03)

#### 1242.04 DEVELOPMENT PLAN.

(a) Submission and Approval; Requirements. The owner of any tract of land shall submit to the Planning Commission a plan for the use and development of such tract primarily for residential purposes. If such development plan is approved, after public notice and hearing, by the Planning Commission and by Council, the application of the use, height, area and yard regulations established in this Zoning Code shall be modified as required by such development plan. However, for the tract as a whole, excluding street area, but including area to be devoted to parks, parkways or other permanent open spaces, there shall be not less than the required area per family, for the area district in which such tract of land is located, for each family which under such development plan may be housed on such street. Further, under such development plan the appropriate use of property adjacent to the area included in such development plan shall be fully safeguarded.  
(1956 Code Sec. 1303.01)

(b) Fee. When any person proposes to file a development plan with the Planning Commission, such person, hereinafter referred to as the developer, shall pay a fee of one hundred fifty dollars (\$150.00) to the Clerk of the Commission to cover the costs of investigation, notices by publication and other expenses incidental to the determination of the matter. Such fees shall be transferred by the Clerk to the City Treasurer and credited to the General Fund of the City. (Ord. 80-71. Passed 4-12-71.)

## 1242.05 PETITIONS FOR CHANGE IN ZONING DISTRICT.

(a) Contents. Any petition for a change in, amendment or supplement to, or repeal of, the established zoning districts and the regulations connected therewith shall be filed by the person requesting such action. Such petition shall contain:

- (1) The name and street address of the petitioner;
- (2) The lot number of any real estate owned by the petitioner adjacent to the areas proposed to be changed, or if such real estate consists of a part of a lot, then an abbreviated but accurate description of such real estate;
- (3) When the petition intends to rezone or redistrict ten or less parcels of land, as listed in the County tax duplicate, a list of the names and addresses of all owners of any property contiguous to and directly across the street from such parcel or parcels;
- (4) An accurate legal description of the district or parts of districts proposed to be so altered;
- (5) An accurate map, diagram or sketch of the area to be rezoned and the lands contiguous thereto;
- (6) Facts indicating that the proposed change will not be detrimental to the general public interest and a statement disclosing the purpose for which such property is sought to be used; and
- (7) A certification by the petitioner, or his attorney, that such person has personally examined the records in the County Treasurer's and Recorder's offices, and that the descriptions, ownerships and addresses are the same as those shown in such records.

Before any such petition is presented to Council for action, it shall be submitted to the Planning Commission for action thereon, as required by law.  
(Ord. 193-75. Passed 10-6-75.)

(b) Fee. When a petition for a change in zoning districts is filed with the Planning Commission, as provided in subsection (a) hereof, there shall be deposited with the Clerk of the Commission a fee of one hundred fifty dollars (\$150.00) to cover the costs of investigation, notices by publication and other expenses incidental to the determination of such matter. Such fees shall be transferred by the Clerk to the City Treasurer and credited to the General Fund of the City. (Ord. 23-79. Passed 1-29-79.)

## 1242.06 PETITIONS FOR VACATION OF STREETS AND ALLEYS.

(a) Contents. Any petition for the vacation of public alleys or streets, or parts thereof, shall be filed by the owner requesting such vacation. Such petitions shall contain:

- (1) The name and street address of the petitioner;
- (2) The lot number of the real estate owned by the petitioner adjacent to and abutting upon such alley or street, or part thereof, proposed to be vacated, or if such real estate consists of a part of a lot, or a description other than a lot number, then an abbreviated but accurate description of such real estate;

- (3) A list of the names and addresses of all owners of property adjacent to and abutting upon such alley or street, or part thereof, proposed to be vacated, including those directly across the street from such area proposed to be vacated;
- (4) An accurate legal description of the alley, street, or portion thereof, proposed to be vacated;
- (5) An accurate map, diagram or sketch of the street, alley, or part thereof, proposed to be vacated, and the lands adjacent to and abutting upon such portion to be vacated, as well as those located directly across the street from such area;
- (6) A recordable plat of the street, alley, or portion thereof, to be vacated, in the size and form required by the City Planning Department;
- (7) Facts indicating that the vacation will not be detrimental to the general public interest, and a statement disclosing the reason for the proposed vacation; and
- (8) A certification by the petitioner, or his attorney, that such person has personally examined the records in the County Treasurer's and Recorder's offices, and that the descriptions, ownerships and addresses are the same as those shown in such records.

Before such petition is presented to Council for action, it shall be submitted to the Planning Commission for action thereon, as required by law.

(b) Fee. When a petition to vacate a public street or alley or portion thereof is filed with the Planning Commission, as provided in subsection (a) hereof, there shall be paid to the Clerk of the Commission a fee of eighty dollars (\$80.00) to cover the costs of investigation, legal notices and other expenses incidental to the determination of such matter. Such fees shall be delivered by the Clerk to the City Treasurer and credited to the General Fund of the City.

(c) Waiver and Consent. Whenever the City is an abutting owner in any proceeding to vacate a street, alley, avenue, or part thereof, the Mayor, if he deems it to be in the best interest of the City, may waive notice thereof, and consent to such vacation. Such waiver and consent shall be filed with Council.

(d) Notice. Notice of the pendency of a petition for the vacation of any public alley or street shall require publication in a newspaper of general circulation within the City for two consecutive weeks preceding action on such petition. Action thereon shall take place within three months after the completion of the notice. (Ord. 100-87. Passed 8-10-87.)

#### 1242.07 ISSUANCE OF BUILDING PERMITS; PROPERTY LOCATION.

So that the Building Commissioner may properly enforce the regulations contained in this Zoning Code, applicants for building permits shall establish to the satisfaction of the Commissioner, by a surveyor's certificate of location or otherwise, the location of the boundaries of the property to which the permit applies.

(1956 Code Sec. 1313.04)

## 1242.08 COMPLETION OF BUILDINGS.

Nothing contained in this Zoning Code shall require any change in the plans, construction or designated use of any building for which a building permit was issued prior to June 6, 1949, provided that the construction thereof was diligently prosecuted within ninety days of the date of such permit, that the ground story framework thereof, including the second tier of beams, was completed within one year of the date of such permit and that such building was entirely completed according to such plans as filed within three years of June 6, 1949. (1956 Code Sec. 1313.05)

## 1242.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Zoning Code, or any of the requirements thereof, and whoever erects, alters or commences to erect or alter any building in violation of any detailed statement or plan submitted or approved thereunder, shall, for each and every violation or noncompliance, be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both. A separate offense shall be deemed committed each day during or on which such violation or noncompliance occurs or continues. The owner of any building or premises or part thereof where anything in violation of this Zoning Code is placed or exists, and any architect, builder, contractor, agent, person or corporation employed in connection therewith who may have assisted in the commission of any such violation, shall each be guilty of a separate offense and, upon conviction thereof shall be subject to the penalties provided herein. (1956 Code Sec. 1313.99)

CHAPTER 1244  
Board of Adjustment

1244.01 Creation; membership.	1244.04 Appeals.
1244.02 Powers and duties.	1244.05 Variances.
1244.03 Vote.	1244.06 Fees for appeals.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11  
 Enforcement and penalty - see P. & Z. 1242.01, 1242.99  
 Interpretation and purpose of Zoning Code - see P. & Z.  
     1242.02  
 Amendments - see P. & Z. 1242.03  
 Front yard exceptions in Residence Districts - see P. & Z.  
     1248.09  
 Use exceptions - see P. & Z. 1256.02  
 Height exceptions - see P. & Z. 1258.02  
 Special permit requirements for restricted parking lots - see  
     P. & Z. 1264.01(b), (c)

---

1244.01 CREATION; MEMBERSHIP.

(a) There is hereby created a Board of Adjustment in and for the City. Such Board shall consist of five residents of the City, each to be appointed by the Mayor and confirmed by Council, for terms of three years.

(1956 Code Sec. 1315.01)

(b) There is hereby created the position of Deputy Secretary to the Board of Adjustment. (Ord. 46-60. Passed 4-18-60.)

1244.02 POWERS AND DUTIES.

The Board of Adjustment shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Code. The Board shall hear and decide appeals from and shall review any order, requirement, decision or determination made by the Building Commissioner in the administration of this Zoning Code. It shall also hear and decide all matters referred to it or upon which it is required to pass under the provisions of this Zoning Code.

(1956 Code Sec. 1315.02)

#### 1244.03 VOTE.

The concurring vote of four members of the Board of Adjustment shall be necessary to reverse or modify any order, requirement, decision or determination from which there has been an appeal. However, at any meeting of the Board at which only three members are present, the unanimous vote of such three members shall be sufficient for such action. (1956 Code Sec. 1315.03)

#### 1244.04 APPEALS.

The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from. The Board shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises, and to that end shall have the powers of the office from which the appeal is taken. (1956 Code Sec. 1315.04)

#### 1244.05 VARIANCES.

(a) The Board of Adjustment shall have the power, in specific cases where, owing to special conditions a literal enforcement of the provisions of this Zoning Code will result in unnecessary hardship, to so vary the application of such provisions in harmony with the public interest and with the spirit of this Zoning Code that substantial justice shall be done. When, in its judgment, the public interest will be substantially or permanently injured, the Board may, in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of the district regulations herein established in harmony with their general purposes and intent.

(b) Notwithstanding the provisions of subsection (a) hereof, the Board shall have authority to waive the public notice and hearing required therein when it appears, to the satisfaction of the Board, in a specific case, that the owners of all abutting property concerned have consented in writing to the relief requested or have waived such notice and hearing. (Ord. 131-82. Passed 9-20-82.)

#### 1244.06 FEES FOR APPEALS.

When an appeal from an order, requirement or decision made by the Building Commissioner in the administration of this Zoning Code is filed with the Board of Adjustment, or when any application for a special permit or for the rendition of certain relief authorized by the provisions of this Zoning Code is made to the Board, the petitioner or appellant shall pay a fee of fifty dollars (\$50.00) to cover the costs of necessary investigation, legal notice and other expense incidental to the determination of such matter. The payment of such fee shall be a prerequisite to the consideration of any such matter by the Board. Such fees shall be deposited with the Clerk of the Board, who shall thereupon deliver the money to the City Treasurer to be credited to the General Fund of the City. (Ord. 20-79. Passed 1-29-79.)

CHAPTER 1246  
Zoning Map and Districts Generally

1246.01 Zoning Map; designations and interpretation.

1246.02 Use, Height and Area Districts established.

CROSS REFERENCES

Basis of districting and zoning - see Ohio R.C. 713.10

Zoning regulations in trailer and tourist camps - see B.R. & T.  
856.03

Master or Comprehensive Plan - see P. & Z. 1220.02(c)

District defined - see P. & Z. 1240.01(13)

Voting rules for members of the Board of Adjustment - see  
P. & Z. 1244.03

Use exceptions - see P. & Z. Ch. 1256

Height Districts - see P. & Z. Ch. 1258

Area Districts - see P. & Z. Ch. 1260

Classification of buildings as to use group and construction type -  
see B. & H. Ch. 1416

Accessory buildings within the fire limits - see B. & H. 1422.04(g)

1246.01 ZONING MAP; DESIGNATIONS AND INTERPRETATION.

(a) When definite distances in feet are not shown on the Zoning Map, the district boundaries on the Map are intended to be along existing street, alley or property lines or extensions of or from such lines. If the exact location of such lines are not clear, they shall be determined by either supplemental detail drawings or rules of interpretation adopted by the concurring vote of four members of the Board of Adjustment.

(b) When existing streets or alleys differ from the streets or alleys shown on the Zoning Map, the Board may apply the district designations on the Map to the actual property in such manner as to conform, in its judgment, to the intent and purpose of this section.

(c) Land or premises within a street, alley, park, cemetery or other undesignated area on the Zoning Map shall be governed by the regulations of the use, height and area district adjoining such land or premises. If such land or premises are adjoined by more than one class of use, height or area district, then portions of such land or premises shall be governed by the regulations of the use, height and area district nearest to such portion. (1956 Code Sec. 1317.01)

## 1246.02 USE, HEIGHT AND AREA DISTRICTS ESTABLISHED.

(a) Use Districts. For the purpose of regulating and restricting the location of buildings and other structures and of premises to be used for trade, industry, residence or other specified uses; for the purpose of regulating the location of buildings and other structures hereafter erected or altered, setback building lines and the area of yards, courts and other open spaces; and for the purpose of regulating and limiting the height of buildings and other structures hereafter erected or altered, the City is hereby divided into eight classes of use districts, termed respectively: Class I Residential or Single-Family House District; Class II Residential or Multifamily House District; Class III Residential or Apartment House District; Office District; Class I Business District; Class II Business District; First Industrial District; and Second Industrial District.

(b) Height Districts. For the purposes set forth in subsection (a) hereof, the City is hereby divided into three classes of height districts, termed respectively: Two and One-Half Story Height District; Six-Story Height District; and Unrestricted Height District.

(c) Area Districts. For the purposes set forth in subsection (a) hereof, the City is hereby divided into four classes of area districts, termed respectively: 4,800 Square Foot Area District; 2,400 Square Foot Area District; 1,200 Square Foot Area District; and Unrestricted Area District.

(d) Designation on Zoning Map. All districts established herein are as shown on the revised Zoning Map, dated August 3, 1970, which Map is identical to the original Zoning Map, dated June 6, 1949, except for duly authorized amendments thereto. The revised Zoning Map, as amended, duly authenticated by the City Engineer and on file in his office, together with the Map designations and the Map designation rules which accompany it, is hereby incorporated in and made a part of this Zoning Code pursuant to Section 46 of the City Charter. The use, height and area districts designated on the Zoning Map or described in this Zoning Code are hereby established. No buildings or premises shall be erected or used except in conformity with the regulations herein prescribed for the use, height and area districts in which such buildings or premises are located.

(Ord. 157-70. Passed 8-3-70.)



CHAPTER 1248  
Residential Districts

1248.01 Class I Residential or Single-Family House District.	1248.07 Side and rear yard obstructions.
1248.02 Class II Residential or Multifamily House District.	1248.08 Front yards in Residential Districts.
1248.03 Class III Residential or Apartment House District.	1248.09 Front yard exceptions.
1248.04 Side yards in Residential Districts.	1248.10 Vision clearance in Residential Districts.
1248.05 Side yard exceptions.	1248.11 Accessory uses in Residential Districts.
1248.06 Rear yards in Residential Districts.	

CROSS REFERENCES

Truck parking prohibited in residential areas - see TRAF. 440.09

Variances - see P. & Z. 1244.05

Buffer screening areas in districts abutting Residential Districts - see P. & Z. 1252.04, 1254.03 et seq.

Use exceptions - see P. & Z. Ch. 1256

Height requirements; exceptions - see P. & Z. 1258.01(a), (b), 1258.02

Area requirements - see P. & Z. Ch. 1260

Private garages in Residence Districts; public garages and filling stations - see P. & Z. 1262.01(a), (b)

Stables near residences - see P. & Z. 1262.01(c)

Off-street parking lots in Class II or Class III Residential Districts - see P. & Z. 1264.01

Exit requirements in residence buildings - see B. & H. 1426.02, 1426.03

Exit requirements in institutional buildings - see B. & H. 1426.06

Yard requirements for light and ventilation - see B. & H. 1440.07

1248.01 CLASS I RESIDENTIAL OR SINGLE-FAMILY HOUSE DISTRICT.

(a) In a Class I Residential or Single-Family House District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses:

- (1) A single-family house, college fraternity, college sorority, college club house or other fraternal organizations on special permit, as provided in Section 1244.05;
- (2) A church, public or private school, day care center, nursery, college, public library and public museum;
- (3) A public park, public playground, public or governmental building or water supply reservoir, well, tower or treatment plant;
- (4) A railway passenger station or railway right of way, not including railway yards or use for sale or storage for sale of products or materials;

- (5) (EDITOR'S NOTE: Paragraph (a)(5) was repealed by Ordinance 67-79, passed April 9, 1979.)
- (6) A farming, nursery or truck gardening operation.

(b) A use specified as permitted in Section 1248.03(b) to (d), inclusive, may be located in a Class I Residential District on special permit, as provided in Section 1244.05. (Ord. 183-60. Passed 10-24-60; Ord. 171-78. Passed 11-20-78.)

#### 1248.02 CLASS II RESIDENTIAL OR MULTIFAMILY HOUSE DISTRICT.

(a) In a Class II Residential or Multifamily House District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than a use permitted in a Class I Residential District, or for occupancy by more than four families living independently of each other.

(b) A use specified as permitted in Section 1248.03(b) to (d), inclusive, may be located in a Class II Residential District on special permit, as provided in Section 1244.05. (1956 Code Sec. 1319.02)

#### 1248.03 CLASS III RESIDENTIAL OR APARTMENT HOUSE DISTRICT.

In a Class III Residential or Apartment House District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than a use permitted in a Class I Residential or Class II Residential District or for one or more of the following specified uses:

- (a) An apartment house;
- (b) A hotel, dormitory or rooming house;
- (c) A community center building, armory for dismounted organizations, boarding club and private club, except a club the chief activity of which is a service customarily carried on as a business;
- (d) A philanthropic or eleemosynary use or institution, other than a penal or correctional institution, or a hospital or sanitarium, other than for the insane, feeble-minded, epileptics or drug or drink addicts, provided that no part of such building is located within thirty feet of any lot line other than a street or alley line of the property occupied by such use; and
- (e) A business office, financial institution or professional office, provided that:
  - (1) The approval of Council and the City Engineer is obtained before the issuance of an occupancy permit and the issuance of a building permit for the erection or change in the structural form, either external or internal, of any building or residence used for such office. Council may impose appropriate conditions and safeguards to protect the plan and to conserve and protect property and property values in the neighborhood.
  - (2) The person requesting such action files the plans for the proposed building and site with the request. Before Council's final action thereon, the request shall be referred to the Planning Commission for study and report concerning the effect of the proposed use on the plan and on the character and development of the neighborhood.

- (3) Any proposed special use herein shall:
- A. Be conducted entirely within an enclosed building, unless otherwise specifically stated;
  - B. Not be noxious or offensive because of odor, smoke, dust, noise, vibration, glaring light or similar causes;
  - C. Not exceed a gross floor area of 2,500 square feet; and
  - D. Provide and make available off-street parking spaces in the ratio of not less than one parking space for each 200 square feet of floor space in the building which is used for business purposes. Such parking spaces may be located and maintained on the same lot as the building or on an off-street area within 300 feet of the building. Two or more owners of buildings may join together in providing and maintaining this parking space. (Ord. 109-63. Passed 6-10-63.)

#### 1248.04 SIDE YARDS IN RESIDENTIAL DISTRICTS.

In a Class I Residential, Class II Residential or Class III Residential District, except where within an Unrestricted Area District, each dwelling and each apartment house shall be deemed a separate building. For every building erected, there shall be a side yard along each lot line other than a front line or a rear line, except that in a Class III Residential District any number of residences may be built as a continuous structure and be considered as a single building for the purpose of this section. At least twenty percent of the width of each lot shall be devoted to side yards, provided that not more than sixteen feet need be so devoted. The least dimension of a side yard shall not be less than five feet. However, in the case of any building more than two and one-half stories in height, such least dimension shall not be less than one-sixth of the height of the building. Any dwelling house existing on June 6, 1949, and having side yards that do not comply with the provisions of this section may be extended along such existing side yard lines. (1956 Code Sec. 1319.04)

#### 1248.05 SIDE YARD EXCEPTIONS.

Notwithstanding the provisions of Section 1248.04 when a lot in an existing subdivision located in a Residential District does not exceed fifty-five feet in width, the minimum side yard setback dimension shall be three feet. (Ord. 85-52. Passed 5-12-52.)

#### 1248.06 REAR YARDS IN RESIDENTIAL DISTRICTS.

In a Class I Residential, Class II Residential or Class III Residential District, every building erected shall have a rear yard. The least dimension of a rear yard shall be not less than fifteen percent of the depth of the lot. However, in the case of any building more than two and one-half stories in height, such least dimension shall not be less than one-half the height of the building. Such least dimension need not be more than twenty-five feet in any case. (1956 Code Sec. 1319.06)

## 1248.07 SIDE AND REAR YARD OBSTRUCTIONS.

(a) The area in a side or rear yard shall be open and unobstructed from the established grade, or from the finished grade if higher than the established grade, to the sky. However, ordinary projections such as window sills, belt courses, cornices and other ornamental features may project not more than four inches. When the wall of the building is not within five feet of the lot line and the building is not over two and one-half stories in height, the cornice or eaves may project not more than two feet into such yard.

(b) An open iron fire escape may project not more than four feet into a side yard or rear yard. (1956 Code Sec. 1319.07)

## 1248.08 FRONT YARDS IN RESIDENTIAL DISTRICTS.

Between a building line, as herein established, and the street line no building or portion of a building other than an unenclosed porch may be erected. In a Class I Residential, Class II Residential or Class III Residential District, building lines shall be established as follows:

- (a) On property fronting on any street, a line which is back of the street line a distance equal to twenty percent of the average or normal depth of the lot, provided such distance is not less than thirty feet, shall be the building line for such street frontage. When in any portion of such street frontage there are lots of markedly less depth than the normal, the Board of Adjustment, in defining and applying the front yard line regulation established herein, may, when in its opinion the general purpose and intent of this section will be better served thereby, divide such street frontage into sections for the application of the above twenty percent building line requirement.
- (b) Building lines shall be based on existing alignment in the following cases:
  - (1) On property fronting upon any street where twenty-five percent or more of such frontage on the respective side of the street is improved with residences between two adjacent streets, the average distance back from the street line of the houses already built in such square shall be the building line instead of the thirty feet herein established.
  - (2) On property fronting upon any street where sixty percent or more of such frontage between two adjacent streets is improved with buildings that are built at the street line, the street shall be the building line for that square.
- (c) On property abutting two intersecting streets, the front yard shall be the yard serving as the principal means of access to the respective residences. In cases of connected residences having principal access from both streets, there shall be front yards upon both streets, and each building line shall be distant from its respective street line twenty percent of the lot dimension as measured from the respective street line or as otherwise specified herein. In cases where corner lots are developed with more than one residence building, the buildings, other than the one bordered by both streets, shall each have building lines distant from their front street lines twenty percent of the lot dimensions from such street lines, provided that buildings upon corner lots shall conform to the alignment of building or yard lines on adjacent lots which have similar direction of principal dimension in the original plat. (1956 Code Sec. 1319.08)

#### 1248.09 FRONT YARD EXCEPTIONS.

- (a) The Board of Adjustment shall have the power to vary the building line requirements of Section 1248.08.
- (b) Whenever a recorded plat of a subdivision imposes building lines upon a particular parcel of land, the action of the Board shall have no effect thereon.
- (c) Any person may enclose an existing front porch without obtaining a variance from the Board, provided that:
- (1) Such enclosure will not expand existing foundation lines or extend any portion of the building beyond such lines.
  - (2) The written consent of all abutting and adjoining owners is obtained and filed with the Building and Zoning Administrator prior to obtaining a building permit. (Ord. 109-76. Passed 8-2-76.)
  - (3) (EDITOR'S NOTE: Section 1248.09(c)(3) was repealed by Ordinance 192-86, passed December 1, 1986.)

#### 1248.10 VISION CLEARANCE IN RESIDENTIAL DISTRICTS.

On a corner lot no fence or other structure more than three and one-half feet in height above the plane of the established grades of the streets shall be erected on any part of the front yard or side yard herein established that is included within the street right-of-way lines of intersecting streets and a line connecting such street lines, at a point which is twenty feet from their point of intersection measured along such street lines. No planting or foliage shall be placed or maintained within such area that, in the judgment of the Building Commissioner, will materially obstruct the view of a driver of a vehicle approaching the street intersection.

No fence which is more than three and one-half feet in height above the plane of the finished grade of the lots at the division line between lots shall be erected in any part of a front yard or side yard between the front building line and the front lot line. The provisions of this section shall apply only to Class I Residential, Class II Residential and Class III Residential Districts. (Ord. 177-76. Passed 11-8-76.)

#### 1248.11 ACCESSORY USES IN RESIDENTIAL DISTRICTS.

An accessory use customarily incidental to a use permitted in a Class I Residential District, a Class II Residential District or a Class III Residential District shall be permitted in, respectively, a Class I Residential District, a Class II Residential District or a Class III Residential District, subject to the limitations stated herein:

- (a) Billboards and Advertising Signs. A billboard, signboard or advertising sign shall in no case be permitted as an accessory use, except:
- (1) "For sale," "For lease" and "For rent" signs that are twelve square feet in area or less; and

- (2) Nameplates that are two square feet in area or less and that display only the name and occupation of physicians, surgeons, dentists, artists, musicians or other professional persons, real estate or insurance salesmen or brokers or other persons carrying on a customary home occupation. However, such signs shall not project from or be placed in advance of the dwelling or principal building on the premises.
- (b) Offices and Home Occupations. The office of a physician, dentist, surgeon or other professional person may be located in the dwelling or apartment used by such person as his private residence or in an accessory building on the lot. Customary home occupations, including only uses conducted in dwellings or in accessory buildings on the rear of the lot, involving only the services of persons using the premises as their private residences and entailing no external changes in the building and no internal changes in the structural form of the building, such as the removal of partitions or floors or parts thereof, shall be permitted. Such permitted uses shall be restricted to those that are not offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration, those that are not accompanied by an unreasonable number of calls or stops by either pedestrians or vehicles and to those that may be unsightly or otherwise objectionable, such as by reason of accumulation of materials or debris.
- (c) Special Structures. No structure, other than the accessory buildings on the rear of a lot, shall be erected that are designed or constructed with any special structural appearance for use as a business, trade, industry or other use conducted for gain.
- (d) Employing Additional Persons. No use shall be conducted in a Class I Residential, Class II Residential or Class III Residential District that employs the services of persons not residing on the premises and that is of a commercial nature involving sales or any operation or transaction of manufacture, distribution, sale, collection, accounting or clerical record, except as specified herein as a permitted accessory use.
- (e) Renting Rooms; Table Board; Accessory Use in Hotels and Apartment Houses. In a dwelling or apartment occupied as a private residence, one or more rooms may be rented or table board furnished. A restaurant, public dining room, newsstand or other customary service may be located in a hotel use, provided that the public entrance to such dining room or restaurant is within the building and further provided that no window or other display or sign is used to advertise such use. Such facilities as are required for the operation of a hotel or apartment house or for the use or entertainment of guests or tenants of the hotel or apartment house shall be permitted when conducted or entered only from the interior of the building, provided that no window or other display or sign is used to advertise such use.
- (f) Services in Railway Passenger Stations; Private Garages. A newsstand or other customary service may be located in a railway passenger station as an accessory use. A private garage shall not be permitted as an accessory use except as provided in Section 1262.01. (1956 Code Sec. 1319.11)

CHAPTER 1250  
Office Districts

- |  |                       |
|--|-----------------------|
| 1250.01 Uses; off-street parking spaces. | 1250.03 Height.       |
| 1250.02 Area.                            | 1250.04 Lot coverage. |

CROSS REFERENCES

- Variances - see P. & Z. 1244.05  
 Uses permitted in Residential Districts - see P. & Z. 1248.01 et seq.  
 Certain industrial uses permitted in Office District - see P. & Z. 1252.02(b), (c)  
 Use exceptions - see P. & Z. 1256.02  
 Restricted parking lots - see P. & Z. 1264.01  
 Exit requirements in institutional buildings - see B. & H. 1426.06

**1250.01 USES; OFF-STREET PARKING SPACES.**

(a) In an Office District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than a use permitted in a Class I Residential, Class II Residential or Class III Residential District or for one or more of the following specified uses:

- (1) An office;
- (2) A bank or financial institution;
- (3) A medical or dental clinic;
- (4) A day nursery;
- (5) A health study institution; or
- (6) A nursing home; or
- (7) A health-exercise facility or spa, provided however, this shall not include a massage parlor.

(b) An accessory use customarily incidental to a use authorized by this section shall be permitted in an Office District.

(c) A use specified in Section 1256.03 as a prohibited use shall not be permitted as an accessory use.

(d) For all uses listed in subsection (a) hereof, off-street parking spaces shall be provided and made available in the ratio of not less than one parking space for each 200 square feet of floor space in the building which is used for business purposes. Such parking space may be located and maintained on the same lot as the building or on an off-street area within 300 feet of the building. Two or more owners of buildings may join together in providing and maintaining this parking space.

(Ord. 208-83. Passed 12-19-83.)

#### 1250.02 AREA.

Each lot in an Office District shall comply with the following minimum requirements, except as otherwise provided:

- (a) The front yard depth shall be twenty feet. However, when a zoning lot abuts, on both sides, lots occupied by main buildings with front yards less than twenty feet, the front yard requirement of such zoning lot may be the average depth of the front yards of the abutting occupied lots.
- (b) A minimum side yard of five feet in width is required on each side of the lot.
- (c) The rear yard depth shall be not less than fifteen feet.  
(Ord. 248-69. Passed 8-11-69.)

#### 1250.03 HEIGHT.

The maximum height of structures in an Office District shall be:

- (a) Ninety feet or not more than six stories for main structures; and
- (b) Fifteen feet or not more than one story for accessory structures.  
(Ord. 248-69. Passed 8-11-69.)

#### 1250.04 LOT COVERAGE.

The maximum lot coverage shall be sixty percent of the lot area.

(Ord. 248-69. Passed 8-11-69.)



CHAPTER 1252  
Business Districts

- |   |   |
|---|---|
| 1252.01 Class I Business District.                              | 1252.04 Buffer screening area standards |
| 1252.02 Class II Business District.                             | and specifications.                     |
| 1252.03 Yards in Business Districts;<br>buffer screening areas. | 1252.05 Exceptions.                     |

CROSS REFERENCES

- Variances - see P. & Z. 1244.05
- Uses permitted in Residential or Office Districts - see P. & Z.  
1248.01 et seq., 1250.01
- Use exceptions - see P. & Z. Ch. 1256
- Height requirements - see P. & Z. 1258.01(b), 1258.02
- Area requirements - see P. & Z. 1260.01(d) et seq.
- Public garages and filling stations - see P. & Z. Ch. 1262
- Restricted parking lots - see P. & Z. 1264.01
- Exit requirements in business or assembly buildings - see B. & H.  
1426.04, 1426.05

---

**1252.01 CLASS I BUSINESS DISTRICT.**

(a) In a Class I Business District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than a use permitted in a Class I Residential, Class II Residential, Class III Residential or Office District or for one or more of the following specified uses:

- (1) A bank, office building, private school, business school, radio or television studio, photographic or art studio or telephone exchange, together with a concealed electric substation and any parking facilities necessary for such uses;
- (2) An assembly hall, theater or moving-picture house;
- (3) A jewelry store, shoe store, dry goods or notions store, furniture store, hardware or electrical appliance store, retail store, florist shop, tailor shop or shoe repair shop;
- (4) A filling station, bicycle sales and repair, commercial parking lot or garage, motorbus terminal or new car sales room;
- (5) A delicatessen, drug store, grocery store, meat market, ice cream parlor, restaurant, bakery, frozen food locker or fish market;
- (6) A barber shop, beauty shop or dancing school;
- (7) A funeral parlor or sanitarium;
- (8) An electric substation or ice house;
- (9) A billboard or advertising sign;
- (10) A bowling alley;

- (11) A dry cleaning establishment using nonflammable liquids and employing not more than ten persons; or
- (12) A self-service laundry, using self-operating, automatic washers and dryers.

(b) An accessory use customarily incidental to a use authorized by this section shall be permitted in a Class I Business District.

(c) A use specified in Section 1256.03 as a prohibited use shall not be permitted as an accessory use. (Ord. 117-82. Passed 9-13-82.)

#### 1252.02 CLASS II BUSINESS DISTRICT.

(a) In a Class II Business District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than a use permitted in a Class I Residential, Class II Residential, Class III Residential, Office or Class I Business District or for one or more of the following specified uses:

- (1) A poolroom or skating rink;
- (2) A dance hall, cabaret or night club;
- (3) A book binding shop, upholstering shop, or laundry employing not more than three persons;
- (4) A garage repair shop, auto body or mechanical repair, secondhand car lot, storage garage or tire repair shop;
- (5) A bottling works, job printing shop, plumbing shop or tinsmith operation;
- (6) A poultry establishment for killing and dressing for sale at retail on the premises or a stable for not more than five animals;
- (7) A wholesale distributor;
- (8) A veterinary clinic for small animals, including dogs, cats and the like, in a completely enclosed building with no outside keeping of small animals or open runs; or
- (9) A dog kennel as defined by the Ohio Revised Code.

(b) However, in any part of a Class II Business District 150 feet or more from a Class I Residential, Class II Residential, Class III Residential or Office District, any building or premises may be used for any use specified in Section 1254.01(a)(1) and (2), or for any use specified in Section 1254.01(a)(3) provided that not more than a three H. P. combustion engine is employed in the operation of any machine and provided that such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration, except that electric motors of not more than ten H. P. each may be used.

(c) A use specified in subsection (b) hereof may be located in a Class II Business District within 150 feet of a Class I Residential, Class II Residential, Class III Residential or Office District on a special permit, as provided in Section 1244.05.

(d) An accessory use customarily incidental to a use authorized by this section shall be permitted in a Class II Business District. A use specified in Section 1256.03 as a prohibited use shall not be permitted as an accessory use.

(e) In a Class II Business District a poolroom, dance hall or an establishment selling or serving intoxicating beverages shall not be located within 400 feet of a public school, playground or church, measured from the nearest entrance along street lines. (Ord. 119-87. Passed 9-28-87.)

#### 1252.03 YARDS IN BUSINESS DISTRICTS; BUFFER SCREENING AREAS.

Each lot in a Business District shall comply with the minimum requirements established in this section, except as otherwise provided. A buffer screening area ten feet wide shall be installed in all Business Districts which abut Residential Districts and shall be constructed prior to the actual date that the property is used for its zoned purpose. The standards and specifications for buffer screening areas shall be established by the Building Commissioner and shall be on file in his office. A detailed plot plan for all required buffer screening areas shall be submitted to the Building Commissioner for approval prior to the issuance of a building permit.

(a) Front Yards. The building setback shall not be less than the required building setback within the first 100 feet of the abutting Residential District. This provision applies to the lot adjacent to the Residential District.

(b) Side Yards.

(1) When the side lot line abuts a Residential District, there shall be a side yard of not less than ten feet, which yard shall be maintained as a buffer screening area, as defined in Section 1240.01(8).

(2) When the side yard abuts a street, the width of the side yard shall not be less than the depth of the front yard of the adjoining lot which faces on the side street.

(c) Rear Yards. When the rear yard abuts a Residential District, there shall be a rear yard of not less than ten feet, which yard shall be maintained as a buffer screening area, as defined in Section 1240.01(8).

(Ord. 245-71. Passed 11-22-71.)

#### 1252.04 BUFFER SCREENING AREA STANDARDS AND SPECIFICATIONS.

All buffer screening areas shall be constructed in accordance with the latest standards and specifications on file in the office of the Building Commissioner. Such buffer screening areas shall be continuous throughout the entire length of any Business District property line abutting a Residential District property line.

(Ord. 245-71. Passed 11-22-71.)

#### 1252.05 EXCEPTIONS.

When a Business District abutting a Residential District is to be used for construction and occupancy by not more than four families, the buffer screening requirements shall not apply. However, all residential yard requirements shall be followed.

(Ord. 245-71. Passed 11-22-71.)

CHAPTER 1254  
Industrial Districts

- |   |   |
|---|---|
| 1254.01 First Industrial District.                                | 1254.04 Buffer screening area standards |
| 1254.02 Second Industrial District.                               | and specifications.                     |
| 1254.021 Third Industrial District.                               | 1254.05 Exceptions.                     |
| 1254.03 Yards in Industrial Districts;<br>buffer screening areas. |   |

CROSS REFERENCES

- Asphaltic paving plants - see GEN. OFF. 660.16  
 Variances - see P. & Z. 1244.05  
 Uses permitted in Residential, Office or Business Districts - see  
     P. & Z. 1248.01 et seq., 1250.01, 1252.01 et seq.  
 Use exceptions - see P. & Z. Ch. 1256  
 Height requirements - see P. & Z. 1258.01(c), 1258.02  
 Area requirements - see P. & Z. 1260.01(d) et seq.  
 Public garages and filling stations - see P. & Z. Ch. 1262  
 Restricted parking lots - see P. & Z. Ch. 1264

---

1254.01 FIRST INDUSTRIAL DISTRICT.

(a) In a First Industrial District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than a use permitted in a Class I Residential, Class II Residential, Class III Residential, Office, Class I Business or Class II Business District or for one or more of the following specified uses:

- (1) The storage in bulk of, or warehouse for, such materials as building materials, contractor's equipment, clothing, cotton, drugs, dry goods, feed, fertilizer, food, fuel, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber, shop supplies, tobacco or wool; the underground storage of liquid fuels, petroleum, petroleum products or volatile oils, provided such products are stored in separate unit tanks of not more than 20,000 gallons each, the location and installation of which tanks shall be under the direction and supervision of the Fire Chief and the construction of which shall be of steel, with all joints riveted or welded, and as follows:

<u>Capacity (gal.)</u>	<u>Minimum Thickness of Material (in.)</u>
4,000 to 10,500	1/4
10,501 to 15,000	5/16
15,001 to 20,000	3/8

- A street car barn; or the unloading, storage or sale of materials, products or structures for any of such purposes on a railroad right of way;
- (2) A wholesale business or a newspaper printing establishment;
  - (3) A manufacturing or industrial operation of any kind, not including a use specified in one of the following subsections hereof, in Section 1254.02 as a Second Industrial use or in Section 1256.03 as a prohibited use;
  - (4) A carpet cleaning establishment, a steam laundry, a dry cleaning establishment or a laundry, employing more than three persons;
  - (5) A cold storage plant, a brewery, a milk bottling or central distribution station or a creamery;
  - (6) A grain elevator, a blacksmith shop, a horseshoeing or wagon shop, a stable or wagon shed or a veterinary hospital; or
  - (7) A freight terminal or railroad yard.

(b) Any use authorized in a Second Industrial District may be permitted in certain locations in a First Industrial District on a special permit, as provided in Section 1244.05.

(c) An accessory use customarily incidental to a use authorized by this section shall be permitted in a First Industrial District. A use specified in Section 1256.03 as a prohibited use shall not be permitted as an accessory use.

(d) In a First Industrial District a poolroom, a dance hall or an establishment selling or serving intoxicating beverages shall not be located within 400 feet of a public school, playground or church, measured from the nearest entrance along street lines.  
(Ord. 285-69. Passed 9-22-69.)

#### 1254.02 SECOND INDUSTRIAL DISTRICT.

(a) In a Second Industrial District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than a use permitted in a Class I Residential, Class II Residential, Class III Residential, Office, Class I Business, Class II Business or First Industrial District or for one or more of the following specified uses:

- (1) A lumber yard, planing mill or manufacturer of paper, plaster, paint, soap, oilcloth or linoleum;
- (2) An ammonia plant, bleaching powder plant or other plant emitting corrosive or toxic fumes that carry beyond the limits of the premises, other than a use specified in Section 1256.03 as prohibited, the manufacture of asphalt products, the manufacture or refining of asphalt, the distillation of coal, including the manufacture or derivation of the by-products thereof, a coke

- oven, the manufacture or treatment of creosote, the manufacture of gas from coal or petroleum or the storage thereof, the manufacture of carbon or lamp-black, the distillation of tar or the storage of liquid fuels, lubricants, petroleum or petroleum products;
- (3) The storage, accumulation or baling of scrap metals, bottles, rags, paper, rubber or other articles or matter commonly known as junk or the wrecking, dismantling or salvaging of motor vehicles or parts thereof;
  - (4) A boiler making establishment, the manufacture of locomotives, the manufacture of railway cars, a railroad roundhouse or shop, the reducing or refining of aluminum, copper, tin, or zinc, a steel furnace, a blooming or rolling mill, a power forge, a structural iron or pipe works, a foundry or a central station light or power plant; or
  - (5) The storage, killing and dressing of poultry or game, or meat packing establishment or a curing or dressing establishment.

(b) A use specified in Section 1256.03 as a prohibited use shall not be permitted as an accessory use in a Second Industrial District.

(c) In a Second Industrial District a poolroom, dance hall or establishment serving or selling intoxicating beverages shall not be located within 400 feet of a public school, playground or church, measured from the nearest entrance along street lines.  
(Ord. 285-69. Passed 9-22-69.)

#### 1254.021 THIRD INDUSTRIAL DISTRICT.

In a Third Industrial District, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a use permitted in a First Industrial or Second Industrial District or for one or more of the following specified uses:

- (a) The refining of petroleum or the blending or mixing of gasoline, benzol, kerosene or naphtha;
- (b) The manufacture of cement, lime, gypsum or plaster of Paris; or
- (c) The manufacture of chlorine or hydrochloric, nitric, picric or sulphuric acid, or the smelting of copper, tin, zinc or iron ores. (Ord. 139-79. Passed 8-20-79.)

#### 1254.03 YARDS IN INDUSTRIAL DISTRICTS; BUFFER SCREENING AREAS.

Each lot in an Industrial District shall comply with the minimum requirements established in this section, except as otherwise provided. A buffer screening area ten feet wide shall be installed in all Industrial Districts which abut Residential Districts and shall be constructed prior to the actual date that the property is used for its zoned purpose. The standards and specifications for buffer screening areas shall be established by the Building Commissioner and shall be on file in his office. A detailed plot plan for all required buffer screening areas shall be submitted to the Building Commissioner for approval prior to the issuance of a building permit.

- (a) Front Yards. The building setback shall not be less than the required building setback within the first 100 feet of the abutting Residential District. This provision applies to the lot adjacent to the Residential District.

(b) Side Yards.

- (1) When the side lot line abuts a Residential District, there shall be a side yard of not less than ten feet, which yard shall be maintained as a buffer screening area, as defined in Section 1240.01(8).
- (2) When the side yard abuts a street, the width requirement of the side yard shall not be less than the depth of the front yard requirement of the adjoining lot which faces on the street.

(c) Rear Yards. When the rear yard abuts a Residential District, there shall be a rear yard of not less than ten feet, which yard shall be maintained as a buffer screening area, as defined in Section 1240.01(8).

(Ord. 245-71. Passed 11-22-71.)

## 1254.04 BUFFER SCREENING AREA STANDARDS AND SPECIFICATIONS.

All buffer screening areas shall be constructed in accordance with the latest standards and specifications on file in the office of the Building Commissioner. Such buffer screening areas shall be continuous throughout the entire length of any Industrial District property line abutting a Residential District property line.

(Ord. 245-71. Passed 11-22-71.)

## 1254.05 EXCEPTIONS.

When an Industrial District abutting a Residential District is to be used for construction and occupancy by not more than four families, the buffer screening requirements shall not apply. However, all residential yard requirements shall be followed.

(Ord. 245-71. Passed 11-22-71.)



## CHAPTER 1256 Use Exceptions

- 1256.01 Uses requiring a special permit.      1256.03 Prohibited uses.  
1256.02 Nonconforming uses.

### CROSS REFERENCES

Asphaltic paving plants - see GEN. OFF. 660.16  
Sewage disposal and treatment - see S.U. & P.S. Ch. 1040  
Garbage and refuse disposal - see S.U. & P.S. Ch. 1052  
Cemeteries - see S.U. & P.S. Ch. 1062  
Variances - see P. & Z. 1244.05  
Classes of Use Districts - see P. & Z. 1246.02(a)  
Uses permitted in Residential Districts - see P. & Z. 1248.01 et seq.  
Uses permitted in Office Districts - see P. & Z. 1250.01  
Uses permitted in Business Districts - see P. & Z. 1252.01 et seq.  
Uses permitted in Industrial Districts - see P. & Z. 1254.01 et seq.  
New materials, processes or occupancies which may require permits - see F.P. 1602.11

### 1256.01 USES REQUIRING A SPECIAL PERMIT.

(a) Within the City no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any of the following specified uses, except on special permit as provided in Section 1244.05:

- (1) An aviation field, amusement park, circus ground, public swimming pool or skating rink;
- (2) A crematory or cemetery;
- (3) A pesthouse, penal or correctional institution or sanitarium for the insane or feeble-minded;
- (4) A sewage disposal or treatment plant, garbage disposal plant or refuse dump; or
- (5) A gravel pit, sand pit or stone quarry.
- (6) A nonpermanent recycling center, providing the following conditions are met:
  - A. The center shall be only in nonresidential zones or on property owned by governmental bodies, churches, or charitable organizations and shall not be detrimental to the neighborhood or the general public.
  - B. The permit shall be nontransferable and shall specifically designate the approved site.
  - C. Collected materials shall be limited to aluminum cans, glass and paper and must be stored in nonpermanent containers.

- D. No permanent structure shall be constructed on the site and the site shall be kept clean and neat.
- E. The special permit shall be valid for such period as designated by the Board of Adjustment, but in no event shall exceed six months. The permit may, however, be renewed by the Board for a successive six month period.
- F. The applicant for the special permit shall submit to the Board of Adjustment a site plan describing the operation and demonstrating compliance with the conditions set forth herein.

(b) Any use specified in subsection (a) hereof existing in any Use District on June 6, 1949, shall be deemed an authorized use upon the plot devoted to such use on such date. (Ord. 209-83. Passed 3-5-84.)

#### 1256.02 NONCONFORMING USES.

(a) A nonconforming use may be continued until such time as there is an abandonment of such use. An abandonment of such use shall be established upon any one of the following events:

- (1) The cessation of such nonconforming use continued for a period of twelve consecutive months.
- (2) The removal of substantially all of the equipment used in the nonconforming use.
- (3) A change in the nonconforming use to a higher use.

(b) Any property purchased or acquired in good faith for any nonconforming use prior to June 6, 1949 or prior to annexation, upon which property the work of changing or remodeling for the nonconforming use has been begun and for which a building permit has been issued, may be used for the nonconforming use for which such changing or remodeling was undertaken, notwithstanding any provision of this Zoning Code to the contrary. Nothing in this Zoning Code shall prevent the reconstruction or replacement of a building wholly or partly destroyed by fire, explosion, act of God or act of a public enemy subsequent to June 6, 1949 or to annexation, or prevent the restoration of a wall declared unsafe by the Building Commissioner.

(c) Except on special permit, as provided in Section 1244.05, a nonconforming use shall not be extended. However, the extension of a use to any portion of a building, which portion was arranged and designed for such nonconforming use on or before June 6, 1949 or on or before annexation, shall be permitted. Further, a building arranged or designed for and devoted to a nonconforming use on June 6, 1949 or on annexation, which use has been conducted without abandonment as provided in subsection (a) hereof, may be reconstructed, structurally altered or enlarged in any lawful manner or to any extent so as to increase the floor space thereof over that existing on June 6, 1949 or on annexation, by not more than fifty percent (50%), unless the use of such building is changed to a conforming use. Any building which has been used for a nonconforming use may be replaced by a new building on the same area, which new building shall be used for such nonconforming use, such shall not contain more than one hundred and fifty

percent (150%) of the floor space of the replaced building and shall conform to all building regulations of the City. A nonconforming yard use, operated without abandonment since June 6, 1949 or since annexation, may be housed to provide floor area of not more than that of the yard so used, upon a special permit as provided in Section 1244.05.

(d) A nonconforming use shall not be changed unless changed to a higher use. A nonconforming use, if changed to a higher use, may not thereafter be changed back to a lower use. For the purpose of this subsection, a use shall be deemed to be changed if changed from a use listed in Sections 1248.01 to 1248.03, inclusive, 1248.11, 1250.01, 1252.01, 1252.02, 1254.01 and 1256.03 to a use not listed. Such change shall be deemed a change to a higher use if the new use is a use that is listed in a preceding numbered section. (Ord. 66-83. Passed 4-25-83.)

#### 1256.03 PROHIBITED USES.

Within the City, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, as an abattoir, a slaughterhouse, the distillation of bones, the rendering of fat, the manufacture of fertilizer, glue or hair, the reduction or dumping of offal or dead animals, a stockyard or the storage or processing of hides. (Ord. 140-79. Passed 8-20-79.)

CHAPTER 1258  
Height Districts

1258.01 Height requirements.

1258.02 Exceptions.

CROSS REFERENCES

Classes of Height Districts - see P. & Z. 1246.02(b)

Residential Districts - see P. & Z. Ch. 1248

Vision clearance in Residential Districts - see P. & Z. 1248.10

Height requirements in Office Districts - see P. & Z. 1250.03

Business Districts - see P. & Z. Ch. 1252

Buffer screening areas in Business and Industrial Districts - see P. & Z. 1252.03 et seq., 1254.03 et seq.

Industrial Districts - see P. & Z. Ch. 1254

Roof structures on buildings within the fire limits - see B. & H. 1422.04(d)

1258.01 HEIGHT REQUIREMENTS.

(a) In a Class I Residential or Class II Residential District no building or other structure shall be erected to a height exceeding two and one-half stories.

(b) In a Class III Residential District no building shall be erected to a height exceeding six stories.

(c) In a Business or Industrial District no limitations as to the height of buildings shall be specified. (1956 Code Sec. 1333.01)

1258.02 EXCEPTIONS.

(a) The provisions of Section 1258.01 shall not apply to a church spire, tower or belfry, a flagpole, radio tower, chimney, water tank or elevator bulkhead.

(b) Nothing contained in Section 1258.01 shall prevent the erection of a parapet wall or cornice above the height limits set forth in Section 1258.01, provided such wall or cornice is for ornament purposes, does not contain windows and does not exceed the height limit by more than five feet.

(c) On special permit, as provided in Section 1244.05, a building may exceed the height limits set forth in Section 1258.01.  
(1956 Code Sec. 1333.02)

CHAPTER 1260  
Area Districts

1260.01 Area requirements.

CROSS REFERENCES

Corner and interior lot defined - see P. & Z. 1240.01(12), (27)

Variances - see P. & Z. 1244.05

Classes of Area Districts - see P. & Z. 1246.02(c)

Yard and lot area requirements in Residential Districts - see P. & Z. 1248.04 et seq.

Area and lot coverage requirements in Office Districts - see P. & Z. 1250.02, 1250.04

Yards and buffer screening areas in Business Districts - see P. & Z. 1252.03 et seq.

Yards and buffer screening areas in Industrial Districts - see P. & Z. 1254.03 et seq.

---

1260.01 AREA REQUIREMENTS.

(a) In a Class I Residential District no building shall be erected or altered to accommodate or make provision for more than one family. Provision shall not be made for more than one family for each 4,800 square feet of the area of an interior lot or for each 3,600 square feet of a corner lot. However, a single, easily detached dwelling may be erected on any lot separately owned on June 6, 1949, or on any lot in a recorded subdivision that was on record on June 6, 1949.

(b) In a Class II Residential District no building shall be erected or altered to accommodate or make provision for more than one family for each 2,400 square feet of the area of an interior lot or for each 1,800 square feet of a corner lot. However, one dwelling for either one or two families may be erected on any lot that was separately owned on June 6, 1949, or on any lot in a recorded subdivision that was on record on June 6, 1949.

(c) In a Class III Residential District no building shall be erected or altered to accommodate or make provision for more than one family for each 1,200 square feet of the area of an interior lot or for each 900 square feet of a corner lot. However, one dwelling for one or two families may be erected on any lot that was separately owned on June 6, 1949, or on any lot in a recorded subdivision that was on record on June 6, 1949.

(d) In a Business or Industrial District no requirements as to the number of square feet of a lot area per family are specified.

(e) For the purposes of this section, any area of a corner lot in excess of 7,200 square feet shall be considered as an interior lot, and any provision of this Zoning Code pertaining to interior lots shall apply thereto.

(f) In computing the lot area for the purposes of this section, the lot shall be deemed to extend to the center of any alley adjoining the rear line or side line of such lot.

(g) In a 4,800 square foot Area District, in computing the area of the lot for the purposes of this section, if the depth of such lot is more than three times the width of such lot, a depth of only three times such width shall be used.

(h) For the purposes of this section, the number of families which a building is designed to accommodate shall be determined by the number of separate housekeeping units in such building. A suite of rooms or apartment without a kitchen or facilities for cooking meals shall not be deemed a housekeeping unit for the purposes of this section.

(i) Every dwelling shall face upon a public street of not less than fifty feet in width and no dwelling shall be built on a plat of ground less than fifty feet in width, subject, however, to the provisions of subsections (a) to (c), inclusive, hereof.

(j) No plat, subdivision or territory outside the corporate limits established after June 6, 1949, shall later be incorporated into the City, which plat, subdivision or territory has lots less than fifty feet in width, except lots designated and zoned for business purposes, or has streets less than fifty feet in width.

(1956 Code Sec. 1335.01; Ord. 9-52. Passed 2-11-52.)

CHAPTER 1262  
Garages

1262.01 Requirements.

CROSS REFERENCES

Stopping engine at filling station - see TRAF. 438.26

Variances - see P. & Z. 1244.05

Accessory uses in Residential Districts - see P. & Z. 1248.11(f)

Filling stations, garage repair shops, etc., in Business Districts - see P. & Z.  
1252.01, 1252.02

Gasoline service stations within the fire limits - see B. & H. 1422.04(i), 1422.08

Construction of public garages - see B. & H. 1422.08

Construction of attached private garages - see B. & H. 1422.09

Sprinkler systems required in certain public or private garages - see B. & H.  
1448.04(a)

---

1262.01 REQUIREMENTS.

(a) Private Garages. Garages permitted as an accessory use to a single-family dwelling in a Class I Residential, Class II Residential or Class III Residential District shall not provide storage for more than three motor vehicles. Garages permitted as an accessory use to a residence having provision for more than one family in a Class I Residential, Class II Residential or Class III Residential District shall not provide storage for more than two motor vehicles for each family for which such dwelling is arranged or designed.

If built in a terrace or retaining wall on the front or side of the lot, such garage shall not project in front of the terrace or retaining wall, shall not extend above the top of the terrace or retaining wall more than three feet and shall in no case extend above the level of the ground floor of a building on an adjacent lot.

In a Class I Residential, Class II Residential or Class III Residential District no separate garage building shall be erected, except in a terrace or a retaining wall, less than sixty feet from a bordering street line. However, on lots of less than the usual depth or on corner lots, a separate garage building may be erected if it is located five feet from the lot line opposite the street line, provided it extends toward the street line from this location not more than twenty-five feet or is not less than twenty feet from the street line.

(b) Public Garages and Filling Stations. No public garage, garage repair shop or filling station shall be erected or established which has any part of its proposed building structure located within 200 feet of the building structure of a public library, public school, church, playground, hospital, orphanage or children's home which existed on June 6, 1949, or for which a building permit has been issued or was in effect on such date.

Nothing contained in this subsection shall be construed to permit any such institution now located in any district zoned for business, by acquiring premises therein or erecting an additional building thereon, to shorten the 200-foot limit between such institutional structure heretofore erected and such proposed garage or filling station structure, as defined in this Zoning Code.

However, in the event that the governing body of any such public school, church, library, playground, hospital, orphanage or children's home files its consent in writing with the Building Commissioner, a public garage, garage repair shop or filling station may be erected or established less than 200 feet but not less than fifty feet from the building structure of any such institution.

(c) Stables. No building or structure for housing more than one bovine or equine animal shall be erected or established which has any part thereof located within 200 feet of a residence, the distance to be measured as provided in this section.  
(1956 Code Sec. 1337.01)



CHAPTER 1264  
Off-Street Parking

1264.01 Restricted parking lots.

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 727.171; S.U. & P.S. Ch. 1026  
 Municipal parking lots - see TRAF. Ch. 456  
 Fences - see GEN. OFF. 660.12; B. & H. 1422.04  
 Variances - see P. & Z. 1244.05  
 Off-street parking in Class III Residential Districts - see P. & Z. 1248.03(e)(3)D.  
 Private garages in Residential Districts - see P. & Z. 1248.11(f)  
 Off-street parking in Office Districts - see P. & Z. 1250.01  
 Accessory uses in Business Districts - see P. & Z. 1252.01(b), 1252.02(c)  
 Accessory uses in Industrial Districts - see P. & Z. 1254.01(b)  
 Motor vehicle parking in court and yard areas - see B. & H. 1440.08

1264.01 RESTRICTED PARKING LOTS.

The Board of Adjustment may grant a special permit for a restricted parking lot in a Class II or Class III Residential District under certain conditions, as provided in this section.

- (a) The Board's approval of a restricted parking lot must be based on a finding that:
  - (1) The parcel of property to be used is located adjacent to an Office District or Class I Business District or is separated therefrom by a distance of not more than fifty feet.
  - (2) The parking lot is for use in connection with offices, banks, financial institutions, medical and dental clinics, day nurseries, health studios and nursing homes located in the adjacent Office District or Class I Business District and is to be used solely for the parking of passenger vehicles, and no fee is to be charged therefor.
  - (3) The parking lot is not to be used for repair work or vehicle servicing or loading of any kind.
  - (4) The parking area itself is not closer to any street line in the Residential District than the least yard requirement as required in the district in which such parking area is located.
  - (5) The off-street parking area is effectively screened, on any side which adjoins or faces any lot situated in a Residential District, by a solid fence of acceptable design, a masonry wall or a compact evergreen hedge. which fence, wall or hedge is not less than four feet in height.

- (6) No sign of any kind is to be maintained on the lot other than a sign, not larger than four square feet, which designates exits, entrances and conditions to use.
- (7) Any lighting used to illuminate an off-street parking area is so located and oriented as to reflect the light away from any adjoining property in a Residential District.
- (8) The open off-street parking area is:
  - A. Graded and provided with a hard surface of bituminous or Portland cement concrete; and
  - B. Provided with adequate drainage facilities, as approved by the City Engineer. (Ord. 108-70. Passed 5-25-70.)
- (9) Subparagraphs (1) and (2) hereof shall not apply to any parking lot for use by a hospital. (Ord. 150-74. Passed 6-17-74.)
- (b) The application for a special permit for a restricted parking lot shall be processed and heard in the manner provided in Section 1244.05. In addition, such application shall contain the following information:
  - (1) A site plan, drawn to such scale as to show clearly the dimensions of the property involved according to the recorded plat of such property, the location of all vehicular entrances and exits, the location of all off-street parking areas and the number of spaces provided therein;
  - (2) If illumination for night use is proposed, a statement as to the type of exterior lights and the location of such lights, clearly marked on the site plan; and
  - (3) A statement as to the nature and type of screening and landscaping which is to be provided and a description of its location.
- (c) Any permit granted by the Board may be revoked at any time that the requirements provided in this section are not complied with. If parking rights are revoked by the Board for noncompliance with the requirements established by this section or established by the Board, the lot or area shall no longer be used for such parking. (Ord. 108-70. Passed 5-25-70.)

CHAPTER 1266  
Flood Damage Prevention

EDITOR'S NOTE: This chapter, previously a codification of Ordinance 6-79, passed January 22, 1979, as amended, was repealed in its entirety and re-enacted by Ordinance 78-88, passed June 20, 1988.

1266.01	Definitions.	1266.08	Duties of the Building Commissioner.
1266.02	Study adopted.	1266.09	Appeals; variances.
1266.03	Compliance.	1266.10	Flood hazard reduction.
1266.04	Conflicts.	1266.11	Subdivision proposals.
1266.05	Interpretation.	1266.12	Specific standards.
1266.06	Liability of City.	1266.13	Floodways.
1266.07	Development permits required; application; fee; exemption.	1266.99	Penalty.

CROSS REFERENCES

Flood control as function of Ohio Commission on Interstate Cooperation - see Ohio R.C. 105.36  
 Flood control by soil conservation district supervisors - see Ohio R.C. 1515.08  
 Flood insurance - see Ohio R.C. 3925.34(C), 3941.02(A)(1)  
 Water supply, sanitation, ditches - see Ohio R.C. 6101.01 et seq.

1266.01 DEFINITIONS.

Words and phrases used in this chapter, unless specifically defined in this section, shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application. As used in this chapter:

- (a) "Appeal" means a request for a review of the Building Commissioner's interpretation of any provision of this chapter or a request for a variance.
- (b) "Area of shallow flooding" means a designated AO Zone and/or AH Zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.
- (c) "Area of special flood hazard" means the land in the flood plain within the City subject to a one percent or greater chance of flooding in any given year.
- (d) "Base flood" means a flood having a one percent chance of being equalled or exceeded in any given year. The base flood may also be referred to as the 100 year flood.

- (e) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures and mining, dredging, filling, grading, paving, excavating or drilling operations located within the area of special flood hazard.
- (f) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (g) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or run-off of surface waters from any source.
- (h) "Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- (i) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries and the water surface elevations of the base flood.
- (j) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot.
- (k) "Lowest floor" means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.
- (l) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. "Manufactured home" includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- (m) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. "Manufactured home park or subdivision" does not include any manufactured home park, as defined in Ohio R.C. 3733.01, over which the Public Health Council has exclusive rulemaking power.
- (n) "New construction" means structures for which the start of construction commenced on or after the effective date of this chapter (Ordinance 78-88, passed June 20, 1988.)
- (o) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.

- (p) "Structure" means a walled and roofed building, manufactured home or gas or liquid storage tank that is principally above ground.
- (q) "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not such alteration affects the external dimensions of the structure. "Substantial improvement" does not include any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (r) "Variance" means a grant of relief to a person from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited.  
(Ord. 78-88. Passed 6-20-88.)

#### 1266.02 STUDY ADOPTED.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Lima, Ohio," with accompanying Flood Insurance Rate Maps dated February 15, 1979, is hereby adopted and incorporated herein as if fully rewritten, upon its filing with the Clerk of Council. The Building Commissioner shall file and keep a copy thereof in his or her office.  
(Ord. 78-88. Passed 6-20-88.)

#### 1266.03 COMPLIANCE.

Unless specifically exempted from filing for a development permit as stated in Section 1266.07(b), no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter.  
(Ord. 78-88. Passed 6-20-88.)

#### 1266.04 CONFLICTS.

This chapter does not repeal, abrogate or impair any existing easement, covenant or deed restriction. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.  
(Ord. 78-88. Passed 6-20-88.)

#### 1266.05 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be considered to be minimum requirements, shall be liberally construed in favor of the City and shall not limit or impair any other power granted under State statute. Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over this chapter.  
(Ord. 78-88. Passed 6-20-88.)

**1266.06 LIABILITY OF CITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City, any officer or employee thereof or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made under this chapter.

(Ord. 78-88. Passed 6-20-88.)

**1266.07 DEVELOPMENT PERMITS REQUIRED; APPLICATION; FEE; EXEMPTION.**

(a) Except as provided in subsection (b) hereof, no person shall begin construction or development within any area of special flood hazard without first obtaining a development permit therefor. The fee for such permit is fifty dollars (\$50.00). Application for such permit shall be made on a form furnished by, and filed with, the Building Commissioner and may require, but need not be limited to, plans, in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials and drainage facilities and their locations. The following additional information is required:

- (1) The elevation, in relation to mean sea level, of the lowest floor, including the basement, of all structures;
- (2) The elevation, in relation to mean sea level, to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods, for a nonresidential structure, meet the floodproofing criteria established in this chapter; and
- (4) A description of the extent to which any water course will be altered or relocated as a result of the proposed development.

(b) An application for a development permit shall not be required for maintenance work such as roofing, painting and basement sealing, or for small development activities (except for filling and grading) valued at less than one thousand dollars (\$1,000).

(Ord. 78-88. Passed 6-20-88.)

**1266.08 DUTIES OF THE BUILDING COMMISSIONER.**

Duties of the Building Commissioner shall include, but are not limited to, the following:

(a) Permit Review. The Commissioner shall:

- (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- (2) Review all development permits to determine that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required; and

- (3) Review all development permits to determine if the proposed development is located within a floodway and, if so, to ensure that the encroachment provisions of this chapter are met.
- (b) Information to be Obtained and Maintained. The Commissioner shall:
  - (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including the basement, of all new or substantially improved structures;
  - (2) For all new or substantially improved floodproofed structures, verify and record the actual elevation, in relation to mean sea level and maintain the floodproofing certifications required in this chapter;
  - (3) Maintain for public inspection all records required under this chapter; and
  - (4) When base flood elevation data have not been provided in "The Flood Insurance Study for the City of Lima, Ohio," the Building Commissioner shall obtain, review and reasonably utilize any base flood elevation data from Federal, State, local or other sources, in order to administer specific standards for residential and nonresidential construction, as set forth in this chapter.
- (c) Alteration of Watercourses. The Commissioner shall:
  - (1) Notify adjacent communities, the Maumee Valley Conservancy District and the State Department of Natural Resources, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
  - (2) Require that maintenance be provided within any altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished.
- (d) Flood Insurance Rate Map Boundaries. The Commissioner shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where a map boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. A person contesting the location of such a boundary shall have the right to appeal such interpretation, as provided in this chapter.  
(Ord. 78-88. Passed 6-20-88.)

#### 1266.09 APPEALS; VARIANCES.

##### (a) Appeals.

- (1) The Building Appeals Board shall hear and decide requests for variances from the requirements of this chapter.
- (2) The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Commissioner in the enforcement or administration of this chapter.
- (3) Those aggrieved by any decision of the Board may appeal such decision in accordance with Section 1406.05.
- (4) In determining appeals and applications, the Board shall consider all technical evaluations, relevant factors and standards specified in this chapter and the following:

- A. The danger that materials may be swept onto other lands to the injury of others;
  - B. The danger to life and property due to flooding or erosion damage;
  - C. The susceptibility of the proposed development to flood damage and the effect of such damage on the individual owner;
  - D. The importance of the services provided by the proposed development to the community;
  - E. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
  - F. The compatibility of the proposed use with existing and anticipated development;
  - G. The relationship of the proposed use to any comprehensive plan and flood plain management program for that area;
  - H. The safety of access to the property, in times of flood, for ordinary and emergency or public safety vehicles;
  - I. The expected height, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - J. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) Generally, variances may be issued for new construction and substantial improvements to be erected on lots of one-half acre or less contiguous to, or surrounded by, lots with existing structures constructed below the base flood level, provided that paragraph (a)(4) hereof has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - (6) The Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
  - (7) The Commissioner shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency, upon request.

(b) Variances.

- (1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Ohio Historic Inventory, without regard to the requirements set forth in the remainder of this subsection.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon:
  - A. A showing of good and sufficient cause;



- B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, or create nuisances, cause fraud on, or victimization of, the public, or conflict with existing laws or ordinances.
- (5) Any applicant to whom a variance is granted shall be given written notice that a structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (Ord. 78-88. Passed 6-20-88.)

#### 1266.10 FLOOD HAZARD REDUCTION.

In all areas of special flood hazard, the following are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
  - (b) All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
  - (c) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - (d) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - (e) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - (f) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  - (g) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
  - (h) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (Ord. 78-88. Passed 6-20-88.)

#### 1266.11 SUBDIVISION PROPOSALS.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All such proposals shall have public utilities and facilities, such as sewerage, gas, electrical and water systems, located and constructed to minimize flood damage.
- (c) All such proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for such proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less.  
(Ord. 78-88. Passed 6-20-88.)

#### 1266.12 SPECIFIC STANDARDS.

In all areas of special flood hazard, the following procedures are required:

- (a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated at least one foot above the base flood elevation. In AO Zones, new construction and substantial improvements shall have the lowest floor, including the basement, elevated above the highest adjacent grade at least as high as the depth number on the Flood Insurance Rate Map (at least two feet if no depth number is specified).
- (b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including the basement, elevated at least one foot above the base flood elevation and, together with attendant utility and sanitary facilities, shall:
  - (1) Be floodproofed so that one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water, or have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (2) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

In AO Zones, new construction and substantial improvements shall either have the lowest floor, including the basement, elevated above the highest adjacent grade at least as high as the depth number on the Flood Insurance Rate Map (at least two feet if no depth number is specified), or be floodproofed to a level consistent with the floodproofing standards of paragraphs (b)(1) and (2) hereof.

- (c) Manufactured Homes. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Ohio R.C. 3733.01.

- (1) Manufactured homes shall be anchored in accordance with Section 1266.10(b).
- (2) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation.

(Ord. 78-88. Passed 6-20-88.)

#### 1266.13 FLOODWAYS.

Located within areas of special flood hazard are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential. In such floodways, the following shall apply:

- (a) No encroachment, including fill, new construction, substantial improvements or other development, is permitted, unless certification by a registered professional engineer or architect is provided demonstrating that such encroachments shall not result in any increase in flood levels during an occurrence of a base flood discharge.

- (b) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.  
(Ord. 78-88. Passed 6-20-88.)

1266.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.  
(Ord. 78-88. Passed 6-20-88.)

