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PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - PLATTING AND SUBDIVISION REGULATIONS

Chapter 1110 Platting

Chapter 1111 Subdivision Regulations

CHAPTER 1110: PLATTING

Section

1110.01 Plats providing for underground utilities

1110.02 Grading plan required

§ 1110.01 PLATS PROVIDING FOR UNDERGROUND UTILITIES.

Commencing July 1, 1973, no plat shall be accepted by the municipality providing for underground utilities unless there has been first provided to the municipality an agreement approved in form and legality by the Director of Law wherein the sub divider agrees:

(A) To install post-type lights at its or his/her sole cost and expense;

(B) To install fixtures ready for connection by the utility;

(C) To make such installations only with prior approval of the City Engineer and Council;

(D) Upon completion, to transfer and convey the same to the utility for operation and maintenance; and

(E) That the municipality shall pay the current rate in accordance with special rates established under the above conditions. (Ord. 1973-108, passed 7-23-73)

§ 1110.02 GRADING PLAN REQUIRED.

(A) All future subdivision plats, when submitted for approval by the municipality, shall be accompanied by a grading plan showing finished ground elevations at all lot corners and control points.

(B) All such grading plans shall be approved by the City Engineer and remain on file in the City Engineer's office.

(C) All applications for zoning permits, as required by Ch. 1177 of this code shall conform to grading plans on file in the City Engineer's office. (Ord. 1974-33, passed 3-11-74)

CHAPTER 1111: SUBDIVISION REGULATIONS

Section

1111.01 Subdivision regulations adopted by reference

§ 1111.01 SUBDIVISION REGULATIONS ADOPTED BY REFERENCE.

The subdivision regulations of the municipality are attached to Ordinance 2001-88 and incorporated herein by reference. Interested persons may obtain copies from the Clerk of Council or the Safety/Service Director. (Ord. 66-89, passed 6-27-66, Am. Ord. 2001-88, passed 7-23-2001)

TITLE FIVE - GENERAL PROVISIONS

- Chapter 1121 Interpretation and Conformance
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CHAPTER 1121: INTERPRETATION AND CONFORMANCE

Section

- 1121.01 Purpose
- 1121.02 Interpretation
- 1121.03 Conformance required

§ 1121.01 PURPOSE.

In addition to and in furtherance of the general purposes set forth in R.C. § 713.06, this zoning code is adopted for the following purposes:

- (1) To promote the public health, safety, morals, comfort, and general welfare of the citizens of the municipality.
- (2) To promote orderly and beneficial development in accordance with the optimum development of the Marion Urban Area and in furtherance of the Comprehensive Plan for the Marion Urban Area;
- (3) To conserve the values of property throughout the municipality, and to protect the character and stability of residential, commercial, industrial and public areas;
- (4) To provide adequate light, air, privacy and convenience of access to property;
- (5) To lessen or avoid congestion on the streets and highways of the municipality and surrounding areas;
- (6) To provide for a pattern and density of uses of land which will make possible the convenient and economical provision for public utilities;
- (7) To provide for the achievement of purposes stated elsewhere herein with relation to the various aspects of growth and development in the municipality. (Ord. 1969-182, passed 1-12-70)

§ 1121.02 INTERPRETATION.

In the interpretation of the provisions of this zoning code, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity and general welfare. When a provision of this zoning code differs or conflicts with the provisions of any other ordinance, statute, law or regulation, the most restrictive requirement shall apply. (Ord. 1969-182, passed 1-12-70)

§ 1121.03 CONFORMANCE REQUIRED.

Except as hereinafter provided, no land, building, structure or premises shall hereafter be used, and no building or structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1123: DEFINITIONS

Section

1123.01 Definitions

§ 1123.01 DEFINITIONS.

For the purposes of this zoning code, certain terms are herewith defined. When not inconsistent with the context, words in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word structure includes buildings; the word occupied includes designed or intended to be occupied; the word used includes designed or intended to be used; and the word shall is mandatory and not merely directive. Other words and terms shall have meanings as defined hereunder.

ACCESSORY BUILDING or STRUCTURE. A subordinate building or structure on the same lot with a principal building, or a portion of the principal building occupied or devoted exclusively to an accessory use, provided that any such building or structure is erected at the same time or after the construction of the principal building.

ACCESSORY USE. A use subordinate to the principal use of a building or premises, and customarily incidental thereto.

ALLEY. A public right-of-way not more than 30 feet in width, providing only a secondary means of vehicular access to abutting property.

APARTMENT. A dwelling unit located in an apartment building.

APARTMENT "O-BEDROOM". An apartment or dwelling unit consisting of not more than one habitable room, together with kitchenette and sanitary facilities; synonymous with efficiency apartment.

APARTMENT BUILDING. Any building housing three or more apartments or dwelling units, provided said units are the principal use of the building.

APARTMENT HOTEL.

(1) A building or portion thereof containing three or more dwelling units or individual guest rooms or suites or guest rooms not for the use of transients; or

(2) An apartment building in which all or most of the dwelling units are provided with maid service.

AUTOMOBILE or TRAILER SALES AREA. An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition, and where only incidental repair work is done. These are synonymous uses and where the standards and requirements of this code apply to one they shall also apply to the other.

BASEMENT. A story the floor of which is more than one half of its story height below the average level of the adjoining ground. Any story which is not a basement story shall be counted as a story for the purposes of height, yard, or other open space measurement.

BOARD. The Marion City Board of Zoning Appeals.

BOARDING HOUSE. A building or part thereof other than a hotel or restaurant where meals are served, for compensation, for three or more persons, not transient. (See also **LODGING HOUSE**).

BUILDING. Any structure having a roof supported by columns or walls, used for shelter or enclosure of persons, animals, or property.

BUILDING, HEIGHT OF. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip or gambrel roofs.

BUILDING, LENGTH OF. For the purpose of computing required yard dimensions or distance between buildings the length of a building shall be the total length of the exterior wall or walls which are within 30 feet of the lot line or other building to which the dimension or distance is measured.

BUILDING PERMIT. See **PERMIT, BUILDING.**

BUILDING WALL. For the purpose of computing required yard dimensions or distance between buildings, the building wall includes such wall or parts thereof which is most nearly parallel with the lot line or other building wall to which the dimension or distance is measured.

COMMISSION or PLANNING COMMISSION. The Marion City Planning Commission.

COMPREHENSIVE PLAN. The Comprehensive Plan for the Marion Urban Area or parts thereof, as and when adopted or amended by the Marion City Planning Commission and recorded in the office of the Marion County Recorder.

COUNCIL or CITY COUNCIL. The City Council of the City of Marion, Ohio.

COURT. An open, uncovered and unoccupied space, other than yard or open space between two separate buildings which is surrounded wholly or in part by the exterior walls of a building.

COURT, INNER. A court surrounded on all sides by the exterior walls of a building.

COURT, OUTER. A court having at least one side open to a street, yard or other permanent open space.

DENSITY, RESIDENTIAL. A measurement of the intensity of residential use, measured in terms of the number of dwelling units per net acre of land occupied excluding streets, alleys and all land not used directly for residential purposes.

DISTRICT ZONING. A portion of the land within the municipality within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this zoning code.

DRIVE-IN ESTABLISHMENT. Any commercial establishment such as a car wash, bank or restaurant, which relies for its principal source of customers or clients in provision for the driving of motor vehicles, a parking space, window, stall or device at which the sale or service is provided by the establishment or self-service.

DRIVE-THROUGH ESTABLISHMENT. A drive-in establishment in which the vehicles are kept in line waiting for service.

DWELLING. Any building or portion thereof designed or used as the home of one or more persons or families, but not including a tent, cabin, hotel, motel, trailer or mobile home. This definition shall include a preassembled dwelling as defined herein.

DWELLING MODEL. A dwelling erected in a new residential subdivision for the primary purpose of

demonstrating or exhibiting the floor plan, style of construction and materials used by a home builder in the construction of other similar dwellings for potential purchasers. Such a dwelling may or may not be offered for sale during the period of time it is used as a model dwelling. A model dwelling may be advertised as **OPEN HOUSE**, as defined herein, and in accordance with the sign regulations set forth in Chapter 1161.

DWELLING, MULTI-FAMILY. A building or portion thereof designed for or used for residence purposes by three or more families including an apartment building or town house.

DWELLING, PREASSEMBLED. A building, not a mobile home, preassembled or partially preassembled at a factory, designed and constructed for occupancy as a dwelling unit, transported to the building site by a trailer device not intended as a permanent and continuing means of transport for such building.

DWELLING, SINGLE FAMILY. A building designed for and used exclusively for residence purposes by one family or house-keeping unit.

DWELLING, TOWN HOUSE. A building consisting of a series of three or more attached or semi-detached dwelling units, each with a ground floor and a separate entrance whether maintained in a single ownership, separate ownership or condominium. In order to conform with this code, a town house shall comply with the following requirements:

- (1) Have a maximum of eight dwelling units in a single building.
- (2) Have a minimum of 25 feet of width in each dwelling unit.
- (3) Have privately occupied lot area in accordance with § 1149.053 which shall apply to all town houses.

DWELLING, TWO FAMILY. A building designed for and used exclusively by two families or housekeeping units.

DWELLING UNIT. One or more rooms designed for, intended for, or used as a residence by one family with facilities for cooking therein.

FAMILY. A person living alone or two or more persons living together as a single housekeeping unit, in a dwelling unit.

FARMING. The conducting of agriculture, including the production of field crops, horticulture, floriculture, and other common agricultural activity, but not including the keeping of animals in violation of any ordinance of the municipality.

FILLING STATION. See **SERVICE STATION**.

FLOOR AREA. The measurement of floor area for purposes required by this zoning code shall be the sum of the area of the first floor, as measured to the inside of exterior walls, plus that area, similarly measured, of all other stories having more than 90 inches of headroom which are accessible by a fixed stairway, elevator or escalator, and which may be made usable for the intended occupancy. For residential uses, the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways and unenclosed porches shall be excluded.

FLOOR AREA RATIO. The ratio of total floor area on all floors of a building to the total lot area.

GAME HALLS. An establishment containing four or more machines which involve a coin and are used for change or skill. This includes electronic games, billiards, pinball or similar devices.

GARAGE, PRIVATE. A detached accessory building or a portion of principal building used only for the storage of self-propelled vehicles and incidental residential storage.

GARAGE, PUBLIC. A building or portion thereof, designed or used for equipping, servicing, repairing, hiring, renting, selling or storing self-propelled vehicles.

HOME OCCUPATION. An occupation which is carried on in the home provided it is incidental to the residential use, and meets the requirements of § 1163.01 of this code.

HOSPITAL. An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility. The term specifically shall not include tuberculosis, mental or penal hospitals, rest homes or nursing homes.

HOTEL, MOTEL. A building or buildings containing guest rooms to be occupied primarily by transients who are lodged with or without meal service.

JUNK YARD. A place where discarded or salvaged material is bought, sold, exchanged, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of house wrecking and structural steel materials and equipment.

LAND USE PLAN. The Land Use Plan of the Marion Urban Area, as adopted and amended by the Marion City Planning Commission and recorded in the office of the Marion County Recorder.

LODGING HOUSE. A building or part thereof, other than a hotel or motel, where both meals and lodging are provided, for compensation, for three or more persons, not transient where not cooking or dining facilities are provided in individual rooms. (See also **BOARDING HOUSE** and **ROOMING HOUSE**).

LOT. A parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with the open space as required by this zoning code and having frontage on a public street.

LOT AREA. The computed lot area within the lot lines.

LOT CORNER. A lot abutting upon two or more streets at their intersection or upon two parts of the same street which form an interior angle of less than 135°. The point of intersection of the street lines is the corner.

LOT, INTERIOR. A lot other than a corner lot.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

LOT WIDTH. The mean horizontal distance across the lot between side lot lines, measured at right angles to the lot depth; provided that the minimum lot widths required by Chapter 1151 shall be so measured at a distance from the front lot line equal to the required depth of front yard.

LOT LINES. The property lines bounding a lot.

LOT LINE FRONT. The lot line separating the lot from the right-of-way line of the principal street on which the lot abuts.

LOT LINE REAR. The lot line opposite and most distant from the front lot line.

LOT LINE SIDE. Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street, is called a side street lot line. A side lot line separating a lot from another lot is called interior lot line.

LOT OF RECORD. A lot which is a part of a recorded plat or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Marion County Recorder.

MOTEL. See **HOTEL.**

MOBILE HOME. Any vehicle manufactured as a single-family dwelling, comprised of one or more units, excluding recreational vehicles, which has been designed and manufactured for transportation on the public streets and highways on its own wheels, arriving at the site ready for occupancy as a dwelling except for normal unpacking, assembly operations and connections to utilities. This definition shall not include a modular home, or an industrialized unit as defined in R.C. § 3781.10.

MODULAR HOME. A structure comprised of one or more self-sufficient units, except site preparations, transported on a vehicle from the place of manufacture to a site where it is to be occupied as a dwelling. This definition shall not include a mobile home which has been designed and manufactured for transportation on public streets and highways, on its own wheels and axles.

PORTABLE BUILDING. Any building or vehicle designed with running gear permanently attached for transportation on the public streets and highways under its own power or towed behind another vehicle, arriving at the site substantially ready for use, whether for residential, office, commercial or manufacturing use. Removal of packing and baffles; interconnection of two or more buildings or vehicles; and connection of or to utilities shall not be considered in determining whether a portable building is substantially ready for use. The towing hitch, wheels, axles, and other running gear may not be removed from a portable building preventing it from being portable.

NET ACREAGE. The area of land, in acres, within the lines of a lot. (See also **DENSITY, RESIDENTIAL**).

NONCONFORMING STRUCTURE. A building or structure lawfully existing at the time of the effective date of this code, that does not conform to Chapter 1151 as to lot area, yard and building height requirement for the zoning district in which it is located.

NONCONFORMING USE. The use of a building or structure or of a tract of land, lawfully existing at the time of the effective date of this zoning code, that does not conform to the use district regulations for the zoning district in which it is located.

OPAQUENESS. The degree to which a wall, fenced structure or landscape planting is solid or impenetrable to light or vision in a generally uniform pattern over its surface.

OPEN HOUSE. A dwelling in a new subdivision, offered for sale and opened for public inspection for a limited period of time, with announcement and directional signs as authorized by Chapter 1161 of this zoning code.

PARKING AREA or LOT. An open area, other than a street or other public way, used for the parking of motor vehicles.

PARKING GARAGE. A structure designed and used primarily for the storage or parking of passenger automobiles, including such accessory servicing of such automobiles as may be permitted by this zoning code.

PERMIT, BUILDING. Officially a zoning permit. A permit which authorizes the construction or alteration of buildings or structures. For the purpose of this chapter the term zoning permit may be substituted for the term building permit to avoid confusion with a building permit pursuant to electrical, plumbing and building material standards.

PERMIT, USE. A document issued by the Safety/Service Director which certifies that the completed building, structure or use proposed are consistent with the requirements of this zoning code and for the use applied for.

PLANNED DEVELOPMENT PROJECT. A unified site design for a tract of land, encompassing either a variety of uses (residential, office, commercial, and the like) or a variety of density buildings which may be clustered to provide for greater and better utilized common open space; rather than development on a lot-by-lot basis.

PRINCIPAL BUILDING. A building or structure in which is conducted the principal use of the lot on which it is situated.

PRINCIPAL USE. The primary or chief purpose for which a lot or structure is used.

PUBLIC UTILITY FACILITIES. The erection, construction alteration, or maintenance, by public utilities or municipal or other governmental agencies, of gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems reasonably necessary for the furnishing of adequate city-wide, community or neighborhood service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings, used solely for administrative purposes. Public utility services shall be deemed to exclude customarily accessory telephone, electrical, gas, sewer, or water connections to individual properties.

PUBLIC UTILITY SUBSTATION. Buildings or structures serving at distribution or service centers for only a section of the municipality, including such uses as water pumping stations, water storage tanks, transformer stations, telephone exchanges, rail or bus waiting shelters and similar uses.

PUBLIC and QUASI-PUBLIC LANDS. All lands, other than streets and highways, owned by and officially designated for continuing public use by the municipality, the county government, a school district, the state, the United States Government or any other duly constituted agency of government; and land owned by a nonprofit organization or agency which is open to general public use, including but not limited to a cemetery, a parochial school, site occupied by an auditorium, museum, art gallery or similar facility but not including any private club or church.

RESIDENCE. See **DWELLING.**

ROAD. See **STREET.**

ROOMING HOUSE. A building or part thereof other than a hotel or motel, where lodging is provided for compensation, for three or more persons, not transients, where no cooking or dining facilities or services are provided. (See also **LODGING HOUSE.**)

SCHOOL. A building used for the purpose of elementary or secondary education which meets the requirements of the compulsory education laws of the state, and not providing residential accommodations for students.

SERVICE STATION. Buildings or premises, or portions thereof, arranged or designed to be used for the retail sale of oil, gasoline or other products for the propulsion or lubrication of motor vehicles, including facilities

for changing and repairing of tires or batteries, polishing, greasing, washing or minor servicing of such motor vehicles, but excluding high speed automotive washing, steam cleaning, body repairing, major motor transmission or chassis repairing and body bumping and painting.

SHOPPING CENTER. A group of buildings and accessory open spaces devoted to permitted commercial uses which is under one ownership with separate establishments rented or leased; has common parking facilities for all establishments occupying the center; and, has no lot lines drawn between establishments.

SIGN. Any writing, numerals, pictorial representation, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant, streamers, or any other figures or object of similar character which:

- (1) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, column or other structure; and
- (2) Is used to announce, direct attention to, or advertise; and
- (3) Is visible from any street, alley, park, or other public area.

SIGN, AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. For a sign having more than one display surface, all surfaces shall be included in computing the total of the exposed exterior display surface area. For a sphere or other curved display surface, the area shall be that of the largest plane passing through it at right angles to the principal line of vision.

SIGN, ACCESSORY. A sign which relates solely to the building or premises on which it is located, in any manner indicated by the definitions hereunder for functional types of accessory signs. Accessory signs defined by function are as follows:

(1) **BULLETIN BOARD.** A sign of permanent construction, but with movable letters, words or numerals indicating the name of a religious institution, school, library, auditorium, theater, stadium, athletic field or other similar use and the announcement of services or activities to be held therein.

(2) **DIRECTIONAL SIGN.** A sign containing only words, numbers, arrows or pictorial matter directing pedestrians or motorists in the proper and convenient use of the premises on which the sign is located.

(3) **IDENTIFICATION SIGN.** A sign which displays only the name, address and/or use of the premises and/or the goods sold or produced or the services offered herein.

(4) **TEMPORARY SIGN.** A banner, pennant, streamer, poster display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business and is constructed of metal, cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.

(5) **TEMPORARY SIGN, REAL ESTATE.** A temporary sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

(6) **TEMPORARY SIGN, CONSTRUCTION.** A temporary sign indicating the name of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project.

(7) **WARNING SIGN.** Any sign indicating a situation which is dangerous or potentially dangerous.

Accessory signs defined by structure are as follows:

(1) **AWNING, CANOPY or MARQUEE SIGN.** A sign that is mounted on, painted on or attached to an awning, canopy or marquee.

(2) **FREE STANDING SIGN.** A sign, not attached to any building, which is suspended or supported by one or more upright columns or structures attached to the ground.

(3) **PROJECTING SIGN.** A sign, not a wall sign, suspended from or supported by a building or similar structure and projecting therefrom.

(4) **ROOF SIGN.** A sign, erected on or over the roof of any building or similar structure.

(5) **WALL SIGN.** A sign which is erected against or painted upon the wall of any building, with the exposed face thereof in a plane parallel with the plane of the wall.

SIGN, ADVERTISING. A sign which directs attention to a use, commodity or service not related to the premises on which it is located, including a billboard.

SIGN, DIGITAL OR ELECTRONIC ADVERTISING. A type of off premise non accessory advertising sign using built in electronic digital messages whether or not the messages can be controlled on site or off site by computer.

SIGN FACE. A single surface of a sign, upon, against or through which the message of the sign is exhibited.

SIGN, FLASHING. Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

SIGN, HEIGHT. The vertical distance from the upper most point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway) whichever measure permits the greatest elevation of the sign.

SIGN, ILLUMINATED. A sign which is illuminated by an artificial source of light.

SIGN, MOVING. Any sign or part thereof which rotates, revolves or otherwise is in motion.

SIGN, STRUCTURE. The supports, uprights, bracing or framework for signs.

SLAUGHTER HOUSE. A building used for the slaughtering of animals and the scalding, dressing, butchering and storage of animal carcasses, but not including the rendering, smoking, curing, or other processing of meat, fat, bones, offal, blood or other by-products.

STORY. That portion of a building between the upper surface of any floor and the upper surface of the floor above, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least 50% of the usable floor area of the floor immediately below it.

STORY, FIRST. The lowest story or ground story of a building which is not defined as a basement.

STREET. A public right-of-way 30 feet or more in width which provides a public access to abutting

property, or any such right-of-way less than 30 feet in width which existed prior to the time of the effective date of this code. The term street shall include avenue, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

STREET, PRINCIPAL. The street adjoining the front lot line.

STREET, SIDE. The street located along the side street lot line of a corner lot; the street adjoining a corner lot which is approximately at right angles to the principal street.

STRUCTURE. Any constructed or erected material or combination of materials, the use of which requires location on the ground, including but not limited to, buildings, stadia, radio towers, sheds, storage bins, swimming pools, walls and fences.

STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, floors, columns, beams or girders.

SUBDIVISION REGULATIONS. The Subdivision Regulations for Marion County and The City of Marion, adopted by the Marion City Council on June 27, 1966, as they may be amended from time to time.

SWIMMING POOL. A physical structure which is commonly referred to as a Swimming Pool which has, at any point, a depth of twenty-four (24) inches of water or liquid and is used primarily for recreational use by the occupants of the property or their guests.

THOROUGHFARE PLAN. The official Thoroughfare Plan for the Marion Urban Area, as adopted and as amended from time to time by the Marion City Planning Commission and recorded in the office of the Marion County Recorder.

TOURIST HOME. A building or part thereof, other than a hotel, motel, boarding house, lodging house, or rooming house, where lodging is provided for transients by a resident family in its home for compensation.

TOWN HOUSE. See ***DWELLING, TOWN HOUSE.***

TRAILER HOUSE or ***CAMPING.*** See ***MOBILE HOME.***

TRANSITIONAL USE. A use of land or buildings on a lot abutting on a zoning boundary line in accordance with Chapter 1155.

YARD, REQUIRED. The open space required between lot lines and buildings or structures, which space shall be open, unoccupied and unobstructed except as provided for in this zoning code.

YARD, FRONT. The required open space, extending for the full width of the lot, between the front lot line and any building, measured horizontally at right angles to the front lot line.

YARD, REAR. The required open space, extending for the full width of the lot, between the rear lot line and any principal building, measured horizontally at right angles to the rear lot line.

YARD REAR (Street Side Corner Lot). The required open space, extending from the front yard to the rear lot line, between the side lot line along the side street any building, reassured horizontally at right angles a the side lot line.

YARD, SIDE. The open space extending from the front yard to the rear yard, between the nearest side lot line and a building.

YARD SIDE (Street Side Corner Lot) The required open space, extending from the side street to the side lot line, between the rear lot line and any principal building, measured horizontally at right angles to the rear lot line.

ZONING DISTRICT, ZONING USE DISTRICT or USE DISTRICT. These terms are synonymous with each other. See also ***DISTRICT ZONING.*** (Ord. 1969-182, passed 1-12-70; Am. Ord. 1993-87, passed 8-9-93; Am. Ord. 1996-44, passed 4-22-96; Am. Ord. 2001-24, passed 3-26-2001)

CHAPTER 1125: NONCONFORMING USE REGULATIONS

Section

- 1125.01 Continuance of nonconforming use
- 1125.02 Discontinuance of nonconforming use
- 1125.03 Repairing and reconstruction of damaged buildings
- 1125.04 Alteration or repair of nonconforming structures
- 1125.05 Change of use
- 1125.06 Extension of nonconforming use

§ 1125.01 CONTINUANCE OF NONCONFORMING USE.

Any nonconforming use may be continued which exists on the effective date of this zoning code or exists at any time thereafter when a district is changed on the Zoning District Map or this zoning code is amended to provide for a new classification of uses. (Ord. 1969-182, passed 1-12-70)

§ 1125.02 DISCONTINUANCE OF NONCONFORMING USE.

No building, structure or premises involving a nonconforming use shall, if such use is voluntarily discontinued for three or more years, again be put to a nonconforming use. (Ord. 1969-182, passed 1-12-70; Am. Ord. 1973-144, passed 8-12-74; Am. Ord. 1993-87, passed 8-9-93)

§ 1125.03 REPAIRING AND RECONSTRUCTION OF DAMAGED BUILDINGS.

A nonconforming building or a building occupied by a nonconforming use which is damaged or destroyed by fire, flood, winds, act of God, or other cause beyond the control of the owner may be repaired or reconstructed and the nonconforming use, if any, may be continued, provided that such repair or reconstruction is commenced within a period of one year and diligently prosecuted to completion. (Ord. 1969-182, passed 1-12-70)

§ 1125.04 ALTERATION OR REPAIR OF NONCONFORMING STRUCTURES.

A nonconforming structure may be altered or repaired provided that such alteration or repair does not increase the degree of nonconformity. (Ord. 1969-182, passed 1-12-70)

§ 1125.05 CHANGE OF USE.

A nonconforming use may be changed to another nonconforming use providing such latter use is one of those permitted in the zoning district in which the existing nonconforming use first appears as a permitted use. Such change of use may be made only after application to and approval by the Board of Zoning Appeals. The applicant shall be entitled to receive such approval provided the foregoing conditions are complied with unless the Board, after giving consideration to the purposes of this zoning code as hereinbefore set forth, finds that such proposed use change will be more detrimental to the surrounding neighborhood than the existing nonconformity. (Ord. 1969-182, passed 1-12-70)

§ 1125.06 EXTENSION OF NONCONFORMANCE USE.

(A) No extension of a nonconforming use may be made in any residential district, but in all other zoning districts, extensions of nonconforming uses may be made as hereinafter set forth.

(B) The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of the adoption of this zoning code.

(C) Other extensions of nonconforming uses may be made as set forth in subsections (1),(2) and (3) of this division, after application to and approval by the Board of Zoning Appeals. The applicant shall be entitled to receive such approval provided the conditions set forth in said subsections are complied with unless the Board, after giving consideration to the purposes of this zoning code, as hereinbefore set forth, finds that such proposed use extension will be more detrimental to the surrounding neighborhood than the existing nonconformity.

(1) In the case of a nonconforming use in the form of a building or structure, such nonconforming use may be extended to other parts of the same tract of real estate on which the building or structure is located at the time of the effective date of this zoning code (either by enlargement of the existing building or buildings or by construction of a new building or buildings); provided, however, that such extensions in all shall not exceed 50% of the floor area of the existing building or buildings devoted to such nonconforming use at the time of the effective date of this zoning code, except as further provided in subsection (3) of this division.

(2) In the case of an extension of a nonconforming use not involving any building or structure, such nonconforming use may be extended to other parts of the same tract of real estate on which the use was existing at the time of the effective date of this code; provided, that such extensions in all shall not exceed 50% of the land area devoted to such nonconforming use at the time of the effective date of this zoning code except as further provided in subsection (3) of this division.

(3) Where the extension of the nonconforming use will not result in it being closer to any adjoining property line than 100 feet, the percentage limitations set forth in subsections (1) and (2) of this division shall be inapplicable. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1127: MISCELLANEOUS PROVISIONS

Section

- 1127.01 Pending applications; existing valid permits
- 1127.02 Separability
- 1127.03 Street frontage required for all lots
- 1127.04 Required lot area or open space cannot be reduced
- 1127.99 Violations and penalties

§ 1127.01 PENDING APPLICATIONS; EXISTING VALID PERMITS.

Nothing contained herein shall require any change in the plans, construction, size or designated use of any development, building, structure or part thereof, for which a required building permit has been, or based upon a pending application duly filed lawfully could have been, granted before the effective date of this zoning code provided that construction is begun no later than six months after the effective date of this code and is carried on to completion in a reasonable manner and without unnecessary delay. (Ord. 1969-182, passed 1-12-70)

§ 1127.02 SEPARABILITY.

If any section, clause, phrase, word, provision or portion of this zoning code shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect the validity of this code as a whole, or any part thereof other than the section, clause, phrase, word, provision, or portion so held to be invalid. (Ord. 1969-182, passed 1-12-70)

§ 1127.03 STREET FRONTAGE REQUIRED FOR ALL LOTS.

Except as permitted by other provisions of this code, each use of land shall be located on a lot, as defined in Chapter 1123, which lot shall have frontage on a street. (Ord. 1969-182, passed 1-12-70)

§ 1127.04 REQUIRED LOT AREA OR OPEN SPACE CANNOT BE REDUCED.

No lot, yard, parking area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this zoning code. No part of a yard, parking area or other space provided for any building in compliance with this code shall be included as a part of a yard, parking area or other space required for another building; except as specifically provided for in § 1149.055 for group housing developments. (Ord. 1969-182, passed 1-12-70)

§ 1127.05 MUNICIPAL FIRE STATION SHALL NOT BE PROHIBITED.

Nothing in this zoning code shall prevent the construction of a municipal fire station in any use district. (Ord. 1969-182, passed 1-12-70; Am. Ord. 1970-164, passed 11-23-70)

§ 1127.99 VIOLATIONS AND PENALTIES.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this code or any amendment thereto. Whoever violates any provision of this Zoning Code for which no penalty is otherwise provided is guilty of a minor misdemeanor on a first offense which is punishable by a fine of not more than \$100. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree which is punishable by not more than 30 days in jail and/or \$250. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree which is punishable by not more than 60 days in jail and/or \$500. (Ord. 1969-182, passed 1-12-70; Am. Ord. 1970-161, passed 11-23-70)

TITLE SIX - ZONING USE DISTRICTS AND MAPS

Chapter 1129 Schedule of Use Districts

Chapter 1131 Purposes and Characteristics of Use Districts

Chapter 1133 Zoning Map

CHAPTER 1129: SCHEDULE OF USE DISTRICTS

Section

1129.01 Schedule of use districts

§ 1129.01 SCHEDULE OF USE DISTRICTS.

(A) In order to carry out the purposes of this zoning code, the municipality is divided into the following use districts:

<i>Code Reference in Title VII</i>	<i>Abbreviation</i>	<i>Title</i>
1137	<i>Residential Districts</i>	
	R-1A	Single-Family District, Low Density
	R-1B	Single-Family District, Medium Density
	R-1C	Single-Family District, High Density
	R-2	General Dwelling District
	R-3	Multi-family District
1139 1141	<i>Office Districts</i>	
	O-I	Office and Institutional District
	O-I-A	Office - Institutional - Apartment District
1143	<i>Commercial Districts</i>	
	C-1	Neighborhood Shopping District
	C-2	Community Shopping District
	C-3	Central Core Business District
	C-4	Central Frame Business District
	C-5	General Business District

<i>Code Reference in Title VII</i>	<i>Abbreviation</i>	<i>Title</i>
1145	<i>Industrial Districts</i>	
	I-1	Limited Industrial District
	I-2	General Industrial District

(B) Whenever, in this zoning code, the order of districts as to degree of restrictiveness is referred to, the order shall be as listed hereinbefore, with the R-1-A District being the most restricted and the I-2 District being least restricted. (Ord. 1969-182, passed 1-12-70; Ord. 2001-102, passed 08-13-2001)

CHAPTER 1131: PURPOSES AND CHARACTERISTICS OF USE DISTRICTS

Section

- 1131.01 Residential districts
- 1131.02 O-I Office-Institutional District
- 1131.03 O-I-A Office-Institutional-Apartment District
- 1131.04 Commercial Districts
- 1131.05 Industrial Districts

§ 1131.01 RESIDENTIAL DISTRICTS.

To define and protect existing and potential residential areas from the intrusion of incompatible uses and to establish density and other development standards conducive to a desirable residential environment.

(A) *R-1A Single-Family District, low density.* To assure continued single-family development at a low density where a similar density presently exists, or where conditions are favorable for such density in presently undeveloped areas.

(B) *R-1B Single-Family District, medium density.* To assure continued single-family development at a medium density where a similar density presently exists, and where conditions are favorable for such density in presently undeveloped areas.

(C) *R-1C Single-Family District, high density.* To provide for high density of single-family development. Substantial areas in this district now have a higher density than is desirable for adequate light, air and open space. The development standards are designed to prevent further development at excessively high density.

(D) *R-2 General Dwelling District.*

(1) To provide effective standards for continuing renewal of certain areas of the municipality where a mixture of single-family, two-family and multi-family dwellings now exist. The development standards for these areas are designed to encourage a stabilization of the population.

(2) To provide for future development of similar dwelling types and densities wherever justified.

(E) *R-3 Multi-Family District.*

(1) To provide effective standards for continuing renewal of areas primarily near the Central Business District and fronting along major thoroughfares which have a relatively high density, involving numerous apartment dwellings. The development standards are designed to encourage stable residential development or redevelopment.

(2) To provide for future development of similar dwelling types and densities where justified.
(Ord. 1969-182, passed 1-12-70)

§ 1131.02 O-I OFFICE-INSTITUTIONAL DISTRICT.

To provide areas where office and institutional uses may be developed in a manner to complement one another, and to afford a maximum of protection from traffic and incompatible uses. (Ord. 1969-182, passed 1-12-70)

§ 1131.03 O-I-A OFFICE-INSTITUTIONAL-APARTMENT DISTRICT.

To provide areas where office, institutional and medium high density residential uses may be developed in a manner to complement one another and to afford a maximum of protection from traffic and incompatible uses. (Ord. 1969-182, passed 1-12-70)

§ 1131.04 COMMERCIAL DISTRICTS.

To identify and encourage the proper development of commercial uses at locations best serving the needs of the public with a minimum of detrimental effect on residential property values.

(A) *C-1 Neighborhood Shopping District.* To encourage the development of small shopping centers, including a variety of small retail establishments offering convenience goods and services to immediately surrounding residential areas.

(B) *C-2 Community Shopping District.* To provide for the development of large, well integrated and planned shopping centers providing a wide variety of goods and services for a large segment of the community.

(C) *C-3 Central Core Business District.* To identify and foster the stability of the retail core of the Marion Central Business District as the primary trade of an area extending beyond the boundaries of Marion County. The development standards are designed to encourage intensive pedestrian activity, involved in comparison shopping for a wide variety of goods and services and where necessary, the furtherance of such purposes is given precedence over vehicular access to a particular establishment.

(D) *C-4 Central Frame Business District.* To provide locations for commercial activities which have functional and economic relationships to the C-3 District, but have different requirements as to location, vehicular accessibility and off-street parking.

(E) *C-5 General Business District.* To identify and foster the stability of existing concentrations of general business within the municipality; to provide standards for the proper location and development of future business centers. (Ord. 1969-182, passed 1-12-70)

§ 1131.05 INDUSTRIAL DISTRICTS.

To identify and protect areas presently in industrial use or suitable for industrial activities, and to set forth development standards for the mutual protection of industrial uses, as well as other types of land use. It is intended to protect industry from the intrusion of other land uses which would be detrimental to efficient operation.

(A) *I-1 Limited Industrial District.* To provide for industrial uses which operate primarily within an enclosed structure and have a minimum of adverse effect on adjacent land due to noise, odor, dust, smoke, glare, or hazard.

(B) *I-2 General Industrial District.* To provide for major and extensive industrial uses, requiring large sites, and having characteristics objectionable to other adjoining nonindustrial uses. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1133: ZONING MAP

Section

- 1133.01 Adoption of zoning map as part of code
- 1133.02 Determination of district boundaries
- 1133.03 Vacation of streets, alleys or other public ways

§ 1133.01 ADOPTION OF ZONING MAP AS PART OF CODE.

The boundaries of zoning districts as set forth in Chapter 1129 are hereby established as shown on the map entitled "Zoning District Map of the City of Marion, Ohio", dated November 18, 1969, as certified by the Clerk of Marion City Council. The Zoning District Map and all notations, references and other matters thereon are hereby made a part of this zoning code. The Zoning District Map shall be and remain on file in the office of the Clerk of the Marion City Council, and a copy thereof shall be and remain on file in the office of the Safety/Service Director. (Ord. 1969-182, passed 1-12-70)

§ 1133.02 DETERMINATION OF DISTRICT BOUNDARIES.

(A) Except where referenced and noted on the Zoning District Map by a clearly designated line and/or written dimensions, the district boundary lines are intended to follow property lines, lot lines or the centerlines of streets, alleys or streams as they existed at the time of adoption of this zoning code, or the extension of such lines, provided however, that where a boundary line is shown as adjoining a railroad right-of-way, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way.

(B) The Safety/Service Director shall interpret the location of boundary lines as shown on the Zoning District Map. When the Safety/Service Director's interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Title Ten. (Ord. 1969-182, passed 1-12-70)

§ 1133.03 VACATION OF STREETS, ALLEYS OR OTHER PUBLIC WAYS.

Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the sides of such public way shall be automatically extended, depending on the side or sides to which the land reverts, to include the right-of-way thus vacated which henceforth shall be subject to all regulations of the extended district or districts, except that utility rights-of-way or easements shall not be affected by such action. (Ord. 1969-182, passed 1-12-70)

TITLE SEVEN - USE DISTRICT REGULATIONS

Chapter 1135 Establishment of Use District Regulations

Chapter 1137 Use Regulations in Residential Districts

Chapter 1139 Use Regulations in O-I Office and Institutional District

Chapter 1141 Use Regulations in O-I-A Office-Institutional-Apartment District

Chapter 1143 Use Regulations in Commercial Districts

Chapter 1145 Use Regulations in Industrial Districts

CHAPTER 1135: ESTABLISHMENT OF USE DISTRICT REGULATIONS

Section

1135.01 Establishment of use district regulations

§ 1135.01 ESTABLISHMENT OF USE DISTRICT REGULATIONS.

Regulations governing the use of land and buildings are established in the several use districts as set forth in Chapters 1137, 1139, 1141, 1143, and 1145. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1137: USE REGULATIONS IN RESIDENTIAL DISTRICTS

Section

- 1137.01 Use regulations in residential districts
- 1137.011 Schedule of permitted uses in residential districts

§ 1137.01 USE REGULATIONS IN RESIDENTIAL DISTRICTS.

The regulation of uses of land and buildings in Residential Districts shall be as set forth in the accompanying schedule, which is identified as § 1137.011. Only uses designated as permitted uses shall be allowed and any use not so designated shall be prohibited. (Ord. 1969-182, passed 1-12-70)

§ 1137.011 SCHEDULE OF PERMITTED USES IN RESIDENTIAL DISTRICTS.

<i>SCHEDULE OF USES</i>	<i>ZONING USE DISTRICTS *</i>				
	<i>Single R-1A</i>	<i>Family R-1B</i>	<i>Districts R-1C</i>	<i>General Dwelling District R-2</i>	<i>Multi-Family District R-3</i>
PRINCIPAL PERMITTED USES:					
Farming, nurseries and greenhouses	X	X	X	X	X
Single family dwellings	X	X	X	X	X
Two family dwellings				X	X
Town Houses				X	X
Multi-family dwellings				X	X
Apartment Hotels					X
Public and parochial schools, not including colleges and universities	X	X	X	X	X
Churches	X	X	X	X	X

SCHEDULE OF USES	ZONING USE DISTRICTS *				
	Single R-1A	Family R-1B	Districts R-1C	General Dwelling District R-2	Multi-Family District R-3
Public buildings and properties of a cultural administrative or public service type but not including public utility uses such as storage yards, warehouses or garages	X	X	X	X	X
Public parks and specialized recreation centers not operated for profit	X	X	X	X	X
Nursery schools and day nurseries				X	X
Hospitals and sanitariums				X	X
Convalescent homes, rest homes, homes for the aged				X	X
Rooming, boarding or lodging houses				X	X
Private clubs, lodges, fraternity and sorority houses				X	X
Offices of civic, religious and charitable organizations				X	X
Tourist homes				X	X
Transitional uses along R-district Boundaries in accordance with Chapter 1155	X	X	X	X	
CONDITIONAL PRINCIPAL PERMITTED USES: (Subject to review by Board of Appeals)					
Public utility substations (controlled by section)	X	X	X	X	X
Restricted accessory parking areas	X	X	X	X	X
Cemeteries adjacent to or in extension of existing cemeteries	X	X	X	X	X

SCHEDULE OF USES	ZONING USE DISTRICTS *				
	Single R-1A	Family R-1B	Districts R-1C	General Dwelling District R-2	Multi-Family District R-3
Business, professional and industrial offices, in buildings having external appearance of residential structure, not including the manufacture, sale or storage of goods, and on a lot located on a primary thoroughfare as shown on the official Thoroughfare Plan.				X	X
Professional Barber and Beauty Shops in buildings having the external appearance of a residential structure, not including the manufacture, sale, or storage of goods except for the interior display and sale of hair and personal beauty products only. This to be on a lot located on a primary thoroughfare as shown on the official Thoroughfare Plan				X	X

(Ord. 1998-148, passed 10-26-1998)

SCHEDULE OF USES	ZONING USE DISTRICTS *				
	Single R-1A	Family R-1B	Districts R-1C	General Dwelling District R-2	Multi-Family District R-3
R-3 Multi-Family District: Specialized Custom Service Clothing Shops using existing residential homes and rooms as display showcases, keeping the external residential appearance of the structure, on a lot located on a primary thoroughfare as shown on the official Thoroughfare Plan. Only one sign shall be permitted as regulated for home occupation in Section 1161.022a, but it may be up to 10 sq. ft. in area (5 sq. ft. per face) instead of 4 sq. ft. (2 sq. ft. per face). Parking to comply with §1153.032F. No exterior feature of the home shall be changed (with the exception of repair and painting) without resubmission to the Board of Appeals.					
Planned Residential Development Projects, (Subject to review by City Planning Commission and City Council as provided for in Title VIII)	X	X	X	X	X
Mobile Home Parks	X	X	X	X	X
Group Housing Developments	X	X	X	X	X
ACCESSORY PERMITTED USES:					
Private garages	X	X	X	X	X
Swimming pools, garden houses, tool houses, playhouses		X	X	X	X
Living quarters of persons employed on the premises	X	X	X	X	X

<i>SCHEDULE OF USES</i>	<i>ZONING USE DISTRICTS *</i>				
	<i>Single R-1A</i>	<i>Family R-1B</i>	<i>Districts R-1C</i>	<i>General Dwelling District R-2</i>	<i>Multi-Family District R-3</i>
Boarders and roomers	Two Persons	Two Persons	Two Persons	Any Number	Any Number
Home occupations	X	X	X	X	X
Required off street parking space	X	X	X	X	X

* The letter "X" indicates that the use listed opposite is a Permitted Use in the district named at the head of the column.

CHAPTER 1139: USE REGULATIONS IN O-I OFFICE AND INSTITUTIONAL DISTRICT

Section

1139.01 Use regulations in O-I Office and Institutional District

§ 1139.01 USE REGULATIONS IN O-I OFFICE AND INSTITUTIONAL DISTRICT.

The regulation of the uses of land and buildings in the Office and Institutional District shall be as set forth in the schedules hereunder. Only uses designated as permitted uses shall be allowed, and any use not so designated shall be prohibited.

(A) *Principal permitted uses.*

- (1) Dwellings ancillary to permitted office and institutional uses.
- (2) Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.
- (3) Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers, including but not limited to the following:
 - (a) Banking.
 - (b) Credit agencies other than banks.
 - (c) Security and commodity brokers, dealers, exchanges and services.
 - (d) Insurance carriers.
 - (e) Insurance agents, brokers and service.
 - (f) Real estate.
 - (g) Holding and other investment companies.
- (4) Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, including but not limited to the following:
 - (a) Offices of physicians and surgeons.
 - (b) Offices of dentists and dental surgeons.
 - (c) Offices of osteopathic physicians.
 - (d) Offices of chiropractors.
 - (e) Medical and dental laboratories.
 - (f) Health and allied services.
 - (g) Legal services.

- (h) Engineering and architectural services.
- (i) Accounting, auditing and bookkeeping services.
- (j) Professional services, not elsewhere classified.
- (k) Funeral home or mortuary.

(5) Institutions providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public, including but not limited to the following:

- (a) Hospitals.
- (b) Elementary and secondary schools.
- (c) Colleges, universities, professional schools, junior colleges, and normal schools.
- (d) Libraries.
- (e) Museums and art galleries.
- (f) Religious organizations.

(6) Organizations and associations, organized on profit-making or nonprofit-making basis, for the promotion of membership interests, including but not limited to the following:

- (a) Business associations.
- (b) Professional membership organizations.
- (c) Labor unions and similar labor organizations.
- (d) Civic, social and fraternal associations.
- (e) Political organizations.
- (f) Charitable organizations.
- (g) Nonprofit membership organizations, not elsewhere classified.

(7) Barber and beauty shops in hospitals, nursing homes, and senior citizen centers designed to primarily service these facilities.

(B) *Conditional principal permitted uses.*

(1) The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in § 1171.02:

- (a) Research, development and testing laboratories.
- (b) Vocational schools.

(c) School and educational services, not elsewhere classified.

(d) Nonprofit educational and scientific research agencies.

(2) Commercial establishments and institutions furnishing lodging or meals, intended primarily to serve the persons employed in or visiting the office and institutional uses located within the district, limited to the following:

(a) Restaurants, not including drive-in facilities.

(b) Hotels, tourist courts and motels.

(c) Organization hotels and lodging houses on a membership basis.

(3) Public utility substations, subject to standards in § 1163.04.

(C) *Accessory permitted uses.*

(1) Signs, as regulated by Chapter 1161.

(2) Off-street parking as required by Chapter 1153.

(3) Any use customarily incidental to the principal permitted use. (Ord. 1969-182, passed 1-12-70; Am. Ord. 1971-12, passed 4-12-71)

CHAPTER 1141: USE REGULATIONS IN O-I-A OFFICE INSTITUTIONAL-APARTMENT DISTRICT

Section

1141.01 Use regulations in O-I-A Office-Institutional-Apartment District

§ 1141.01 USE REGULATIONS IN O-I-A OFFICE-INSTITUTIONAL-APARTMENT DISTRICT.

The regulation of the uses of land and buildings in the Office-Institutional-Apartment District shall be as set forth in the schedules hereunder. Only uses designated as permitted uses shall be allowed, and any use not so designated shall be prohibited.

(A) *Principal permitted uses.*

- (1) Any use permitted and as regulated in the O-I Office and Institutional District.
- (2) Town houses and other multi-family dwellings.
- (3) Single family dwellings.

(B) *Conditional principal permitted uses.* The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in § 1171.02.

- (1) Conditional uses listed as permitted in the O-I District.
- (2) U. S. Post Office facilities.

(C) *Accessory permitted uses.*

- (1) Signs, as regulated by Chapter 1161.
- (2) Off-street parking as required by Chapter 1153.
- (3) Any use customarily incidental to the principal use.
(Ord. 1969-182, passed 1-12-70; Am. Ord. 1993-87, passed 8-9-93)

CHAPTER 1143: USE REGULATIONS IN COMMERCIAL DISTRICTS

Section

- 1143.01 Use regulations in commercial districts
- 1143.011 C-1 Neighborhood Shopping District
- 1143.012 C-2 Community Shopping District
- 1143.013 C-3 Central Core Business District
- 1143.014 C-4 Central Frame Business District
- 1143.015 C-5 General Business District

§ 1143.01 USE REGULATIONS IN COMMERCIAL DISTRICTS.

The regulation of uses of land and buildings in commercial districts shall be as set forth in the schedules hereunder. Only uses designated as permitted uses shall be allowed, and any use not so designated shall be prohibited. (Ord. 1969-182, passed 1-12-70; Am. Ord. 1992-119, passed 11-9-92)

§ 1143.011 C-1 NEIGHBORHOOD SHOPPING DISTRICT.

(A) *Principal permitted uses.*

(1) For those areas designated C-1A, principal permitted uses shall be limited to the following:

(a) Dwelling units, of the types permitted and as regulated in the R-2 District, provided buildings occupied by both residential and non-residential uses shall comply with the development standards set forth in § 1151.05.

(b) Nonresidential uses of the types permitted in residential districts, as follows:

1. Public and parochial schools, not including colleges and universities.
2. Churches and offices of civic, religious, and charitable organizations.
3. Private clubs, lodges, fraternity and sorority houses.

(c) Retail sales, personal service and office establishments, not including drive-in facilities of the types listed hereunder, provided each such establishment occupies a total floor area of not more than 4,000 square feet, except that, for retail stores engaged primarily in the sale of foods for home preparation and consumption, the total floor area shall not be more than 20,000 square feet.

1. Grocery store, food market, dairy store, delicatessen, party store, fruit market.
2. Bakery, with the production of bakery goods limited to goods sold on the premises.
3. Drug store, including fountain.
4. Flower shop, for the sale of plants, flowers and accessory materials not produced on the premises.
5. Barber and beauty shops.
6. Shoe shine and shoe repair shop, hat cleaning and blocking.

7. Tailor or dressmaking shop.
8. Offices in which goods or merchandise are not produced, displayed, stored, exchanged or sold, of the following types:
 - A. Medical and dental offices and clinics.
 - B. Legal, engineering, architectural, accounting, and similar professional offices.
 - C. Accounting, bookkeeping and auditing services.
 - D. Real estate and insurance offices.

(2) For those areas designated C-1B, the following uses are also allowed:

(a) Retail sales, personal service and office establishments, not including drive-in facilities of the types listed hereunder, provided each such establishment occupies a total floor area of not more than 4,000 square feet, except that, for retail stores engaged primarily in the sale of foods for home preparation and consumption, the total floor area shall not be more than 20,000 square feet.

1. Restaurant.
2. Furniture and Hardware store limited primarily to retail sales.
3. Dry cleaning and laundry pick up service.
4. Self service laundry and dry cleaning.
5. News stand.

(b) Gasoline service station, limited to 22,500 square feet of lot area and subject to compliance with the requirements of § 1163.02.

(c) Funeral home or mortuary.

(d) Automatic conveyor type car washes (as provided for in § 1163.05).

(e) Mini warehousing, that is storage of residential furniture and belongings in enclosed buildings provided, however, that such buildings shall be limited to one story in height which one story shall not exceed 12 feet in height from floor to ceiling. Such storage shall be completely restricted to the interior of such buildings and no outside storage or warehousing of any kind or nature shall be permitted. No other activity including any selling of goods or workshops, sales of goods or flea markets shall be permitted on the site.

(B) *Conditional principal permitted uses.* The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in § 1171.02.

(1) Public utility sub-stations, subject to the provisions of § 1163.04.

(2) Other commercial uses. Any other retail business or personal service determined by the Board of Appeals to be of the same general character as those permitted in subsections (A)(2)(c) or (d) above, and demonstrated as necessary to serve the normal day-to-day needs of the population in the adjoining

neighborhoods, but not including any uses first listed as permitted in the C-2 through the C-5 Districts.

(C) *Accessory permitted uses.*

- (1) Signs, as regulated by Chapter 1161.
- (2) Off-street parking, as required by Chapter 1153.

- (3) Any use customarily incidental to the principal permitted use.

(Ord. 1969-182, passed 1-12-70; Am. Ord. 1992-119, passed 11-9-92; Am. Ord. 1993-87, passed 8-9-93; Am. Ord. 2002-81, passed 07-08-2002)

§ 1143.012 C-2 COMMUNITY SHOPPING DISTRICT.

(A) *Principal permitted uses.*

(1) Any principal use permitted in the C-1 Neighborhood Shopping District without limitation as to total floor area or lot area or drive-in facilities.

(2) Any retail business whose principal activity is the sale or rental of new merchandise or genuine antiques, not including the sale of automobiles, trucks, boats, mobile homes, motorcycles, agricultural implements or building materials. Such retail business may include a work shop for servicing or repair of goods sold on the premises which shall not occupy more than 50% of the total usable floor area of the establishment. Video movie sales or rental are allowed, but not Adult Only Entertainments as defined within Section 1143.013 (A)(8) within 1,500 linear feet from any residential district or within 1,500 linear feet from any school, church, or public cemetery. (Ord. 2001-12, passed 02-26-2001; Ord. 2001-102, passed 08-13-2001; See also 1143.013 (A) (8) Page 42)

(3) Service establishments in which the retail sale of goods may or may not be involved, of the following types:

- (a) Photography studios.
- (b) Watch, clock or jewelry repair.
- (c) Catering services.
- (d) Secretarial, stenographic and typing services.
- (e) Physical culture establishments.
- (f) Taxi stands.
- (g) Household appliance repair.

(4) Commercially-operated vocational schools, not including the use of equipment or machinery first listed as permitted in the I-1 District.

(5) Restaurants, tea rooms, cafes and other establishments serving food, beverages or both, including drive-in facilities complying with the requirements of § 1163.02.

- (6) Radio and television studios, bowling alleys, roller rinks, ice skating rinks, swimming pools,

assembly halls enclosed theaters, concert halls, dance halls, or similar places of assembly or entertainment. Theaters shall not include the showing of movies or films of a nature restricted to adult audiences, within 1,500 feet of a residential district.

(7) Banks and other lending and financial establishments, including drive-in facilities complying with the requirements of § 1163.02.

(8) Offices of professional, business or industrial firms, not including the manufacture of storage of goods on the premises.

(9) Passenger bus terminals.

(10) Advertising signs, as controlled by § 1161.04.

(B) *Conditional principal permitted uses.* The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in § 1171.02.

(1) Public utility substations, subject to the provisions of § 1163.04.

(2) Any other retail business or commercial service establishment determined by the Board of Appeals to be of the same general character as those permitted in division (A) of this section, but not including any uses first listed as permitted in the C-3, C-4, or C-5 Districts.

(C) *Accessory permitted uses.*

(1) Signs, as regulated by Chapter 1161.

(2) Off-street parking as required by Chapter 1153.

(3) Any use customarily incidental to the principal permitted use. (Ord. 1969-182, passed 1-12-70)

§ 1143.013 C-3 CENTRAL CORE BUSINESS DISTRICT.

(A) *Principal permitted uses.*

(1) Any principal use permitted in the C-2 Community Shopping District or permitted in the O-I Office and Institutional District.

(2) Dwelling units of the types permitted and as regulated in the R-3 District, provided that they shall not occupy more than 50 percent of the first floor. However, development plans may utilize more than 50 percent of the first floor for dwelling units provided the entire frontage along at least one street is developed for retail, office, or other commercial uses. Also buildings occupied by both residential and non-residential uses shall comply with the development standards set forth in § 1151.05.

(3) Lodging, including hotels, apartment hotels and motels.

(4) Newspaper and book publishing.

(5) Off-street parking, including gasoline sales and related services as an accessory to a parking garage.

(6) Game room. An establishment containing four or more machines which involve a coin and are

used for chance or skill. This includes electronic games, billiards, pinball or similar devices.

(7) Workshop-type of services limited to the following:

- (a) Interior decorating.
- (b) Reupholstering and furniture refinishing.
- (c) Making of advertising displays, not including the prefabrication or preassembling of billboards.
- (d) Fabrication of awnings and similar articles made of canvas, metal or synthetic materials, on order for customers at retail.
- (e) Laundry and dry cleaning.
- (f) Medical and dental laboratories not connected with the practice of medicine or dentistry.
- (g) Electrical repair, not including the repair of industrial or road building machines or similar large machines.
- (h) Duplicating, addressing, blue printing, photocopying, electrostatic reproduction, film processing, mailing, and mail listing services.
- (i) Locksmith, gunsmith.

(8) Adult only entertainment establishments, which are defined as those containing each of the following elements:

(a) A business or enterprise which presents material including but not limited to books, tapes, videos, or performances whose tendency is the selling, showing, exhibition, or presenting entertainment involving nudity or semi-nudity.

(b) Nudity means the appearance of a human bare buttock, anus, male genitals, female genitals, or areola of the female breasts. (Am. Ord. 2001-102, passed 8-13-2001; See also 1143.012 (A) (2), page 42)

(c) Semi-nude or semi-nudity means a state of dress in which clothing covers no more than the genitals, public region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(B) *Conditional principal permitted uses.* The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in § 1171.02.

(1) Public utility substations, subject to the provisions of § 1163.04.

(2) Any other retail business or commercial service establishment determined by the Board of Appeals to be of the same general character as those permitted in division (A)(3), (4) or (5) of this section, but not including any uses first listed as permitted in the C-4 or C-5 Districts.

(3) Light industrial uses having no outward exterior evidence of noise, smoke, fumes, or pollution other than from a normal building heating or ventilating system.

(C) *Accessory permitted use.*

- (1) Signs, as regulated by Chapter 1161.
- (2) Off-street parking, which, if provided, shall meet the development standards of Chapter 1153.

(3)

§ 1143.014 C-4 CENTRAL FRAME BUSINESS DISTRICT.

(A) *Principal permitted uses.*

- (1) Any principal use permitted in the C-3 Central Core District.
- (2) Dwelling units of the types permitted and as regulated in the R-3 District, provided that buildings occupied by both residential and nonresidential uses shall comply with the development standards set forth in § 1151.05.
- (3) Retail sale of used merchandise and the retail sale of new and used automobiles, trucks, boats, mobile homes, motorcycles or agricultural implements and garden supplies.
- (4) Repair services, without limitation as to percent of total usable floor area, related to goods or merchandise permitted to be sold in this district.
- (5) Workshop-type of services as allowed in the C-3 Central District.
- (6) Drive-in establishments, excluding drive-in theaters, as follows:
 - (a) Automobile service stations and car washes.
 - (b) Those which relate to the sale of goods or services permitted in this district.
 - (c) These establishments shall comply with the requirements of § 1163.02.
- (7) Rental of autos, trucks, trailers, and home gardening and repair of tools.
- (8) Wholesaling and refrigerated and general storage of goods intended primarily for distribution to local retail outlets.
- (9) Food locker plant, including the cutting and packaging of meat, fowl, fish, or game, sale at retail delivery of individual home orders, renting of individual lockers for home-customer storage thereof, but excluding the slaughtering or eviscerating thereof.
- (10) Advertising signs, as controlled by § 1161.04.

(B) *Conditional principal permitted uses.* The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in § 1171.02.

- (1) Public utility substations, subject to the provisions of § 1163.04.
- (2) Any other business or commercial service establishment determined by the Board of Appeals to be of the same general character as those permitted in division (A)(3) through (10) of this section but not including any uses first listed as permitted in the C-5 District.

(3) U. S. Post Office facilities.

(4) Light industrial uses having no exterior evidence of noise, smoke, fumes, or pollution other than from a normal building heating or ventilating system.

(C) *Accessory permitted uses.*

(1) Signs, as regulated by Chapter 1161.

(2) Off-street parking as required by Chapter 1153.

(3) Any use customarily incidental to the principal permitted use. (Ord. 1969-182, passed 1-12-70)

§ 1143.015 C-5 GENERAL BUSINESS DISTRICT.

(A) *Principal permitted uses.*

(1) Any principal use permitted and as regulated in the C-4 District, except as specified and as regulated hereunder and in Chapter 1151 for the C-5 District.

(2) Dwelling units of the types permitted and as regulated in the R-2 District, provided that buildings occupied by both residential and nonresidential uses shall comply with the development standards set forth in § 1151.05.

(3) Open fruit and vegetable markets.

(4) Miniature golf and golf driving ranges.

(B) *Conditional principal permitted uses.* The following shall be permitted as principal uses only when approved by the Board of Appeals, as provided for in § 1171.02:

(1) Public utility substations, subject to the provisions of § 1163.04.

(2) Veterinary clinics, restricted to dogs, cats or other small household pets, without the boarding of said animals on the premises. All structures to be located at least 100 feet from any residential structure.

(3) Any other business or commercial use determined by the Board of Appeals to be of the same general character as those permitted in division (A)(3) or (4) of this section, but not including any uses first listed as permitted in the I-1 District.

(C) *Accessory permitted uses.*

(1) Signs, as regulated in Chapter 1161.

(2) Off-street parking as required in Chapter 1153.

(3) Any use customarily incidental to the principal permitted use.
(Ord. 1969-182, passed 1-12-70; Am. Ord. 2001-12, passed 2-26-2001; Am. Ord. 2001-102, passed 8-13-2001)

CHAPTER 1145: USE REGULATIONS IN INDUSTRIAL DISTRICTS

Section

1145.01	Use regulations in industrial districts
1145.011	I-1 Limited Industrial District
1145.012	I-2 General Industrial District
1145.013	I-3 Mineral Extraction District

§ 1145.01 USE REGULATIONS IN INDUSTRIAL DISTRICTS.

The regulation of uses of land and buildings in industrial districts shall be as set forth in the schedules hereunder. Only uses designated as permitted uses shall be allowed, and any use not so designated shall be prohibited. (Ord. 1969-182, passed 1-12-70)

§ 1145.011 I-1 LIMITED INDUSTRIAL DISTRICT.

(A) *Principal permitted uses.*

(1) Commercial establishments associated with or intended to serve the industrial establishments or their employees as follows:

(a) Restaurants.

(b) Offices and facilities relating to emergency medical drug and health services and the practice of industrial medicine.

(c) Filling stations.

(d) Engineering, architectural, accounting, legal and similar professional services.

(e) Duplicating, addressing, blueprinting, photocopying, mailing and stenographic services.

(f) Private employment agencies.

(g) Vocational and technical schools, public or private.

(h) Automatic conveyor-type car washes as provided for in § 1163.05.

(2) Blending, packaging and storage of previously manufactured products, as follows:

(a) Chemical products, including household, cleaning and industrial compounds and insecticides.

(b) Feed, grain, flour, sugar, and other food products.

(c) Pharmaceutical preparations and drugs.

(3) The manufacture of finished products from the following previously prepared materials:

(a) Bone.

- (b) Canvas.
 - (c) Cellophane.
 - (d) Cloth.
 - (e) Cork.
 - (f) Feathers.
 - (g) Felt.
 - (h) Fibers.
 - (i) Fur.
 - (j) Glass.
 - (k) Hair
 - (l) Horn.
 - (m) Leather.
 - (n) Paper.
 - (o) Precious or semi-precious metals or stones.
 - (p) Shell.
 - (q) Textiles.
 - (r) Tobacco.
 - (s) Wire.
 - (t) Wax.
- (4) The manufacture of the following finished products from previously prepared materials.
- (a) Cosmetics, toiletries and perfume.
 - (b) Electric appliances, instruments, components and accessories.
 - (c) Household, personal or other small articles, such as jewelry, silverware, plastic ware, musical instruments and parts, toys, rubber stamps, sporting and athletic goods, pens, pencils and other office and artists' supplies, miscellaneous notions, signs and advertising displays.
 - (d) Office equipment and supplies and computing and accounting machines.
 - (e) Precision instruments, including professional scientific and regulating devices, photographic

and optical goods.

(f) Wood products, including furniture, cabinet work and similar products.

(5) The manufacture of metal products, using methods and materials as specified hereunder:

(a) The fabrication of metal excluding the fabrication of structural steel, heavy machinery and transportation equipment.

(b) The casting of light-weight nonferrous metals.

(c) Welding, machining and other metal working processes, but excluding punch presses having over 20 tons rated capacity, drop hammers and other noise producing machine operated tools.

(d) The shaping of sheet metal in the manufacture of air conditioning, refrigeration and heating equipment and office furniture, but excluding the stamping of automobile bodies and fenders and other units of similar size.

(6) The processing or manufacture of food products, excluding pickles, sauerkraut, meats, fish, flour, sugar or vinegar.

(7) Nonmanufacturing activities as follows:

(a) Operational equipment of public utilities and communication networks, such as electrical receiving and transforming stations, radio, microwave or television transmission or receiving towers, and public utility substations.

(b) Transportation terminals and equipment, such as railway freight houses, truck terminals transit vehicle storage areas; maintenance and service facilities for the foregoing but excluding railroad maintenance facilities and marshalling yards.

(c) Warehousing, refrigerated and general storage.

(d) Bulk storage of flammable liquids, not to exceed 25,000 gallons.

(e) Building materials sales and storage, not including sawmills, planing mills, or mixing of cement, bituminous or asphaltic concrete.

(f) Building contractors equipment yards.

(g) Crematories.

(h) Research testing laboratories, not including the use of machines or equipment which are prohibited in this I-1 District.

(i) Laundries and dry cleaning establishments.

(j) Postal facilities, including the handling of large quantities of mail by rail or truck.

(k) Workshops of the types listed in § 1143.014(A)(5), without the limitations set forth therein.

(l) Workshops for the repair of industrial machines and equipment, the use of which is permitted

in this I-1 District.

(m) Advertising signs as controlled by § 1161.04.

(n) Hay, grain, feed and fertilizer, storage and sale.

(o) Fuel and ice dealers, including storage of flammable liquids as set forth in subsection (6)(d) of this division.

(p) Animals hospitals and fur animal farms.

(q) Riding stables, horse boarding and riding academies.

(r) General vehicle storage facilities including impound lots and long-term storage of vehicles both owned or not owned by the property owner of tenant. If outdoors, vehicle storage facilities shall be secured by a perimeter fence and locking gate. This fence shall have a minimum height of 6 feet and be kept in good repair. An outdoor facility shall be lighted to provide for adequate lighting during nighttime hours.

(B) *Conditional principal permitted uses.* The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in § 1171.02.

(1) Other uses not listed. Any other commercial or industrial use determined by the Board of Appeals to be of the same general character as those permitted in division (A) of this section, but not including any uses first listed as permitted or prohibited in the I-2 District.

(2) Public parks.

(C) *Accessory permitted uses.*

(1) Signs, as regulated by Chapter 1161.

(2) Off-street parking and loading, as required by Chapter 1153.

(3) Any use customarily incidental to the principal permitted use, including dwellings used as quarters for watchmen or caretakers. (Ord. 1969-182, passed 1-12-70)

§ 1145.012 I-2 GENERAL INDUSTRIAL DISTRICT.

(A) *Principal permitted uses.*

(1) Any principal use permitted in the I-1 District, provided that the exclusions and limitations listed for such uses in the I-1 District shall not apply.

(2) Any other use except the following:

(a) Uses listed hereunder as conditional principal.

(b) Any of the following uses, which shall be prohibited.

1. Any use listed as a permitted principal use or as a conditional use in any residence district except utility substations, which shall be permitted as indicated in § 1145.011(A)(7)(a).

2. Any use listed as permitted principal use or as a conditional use in any commercial district except those specifically listed as permitted in the I-1 District.

(B) *Conditional principal permitted uses.* The following shall be permitted as principal uses only when approved by the Board of Appeals as provided for in § 1171.02.

(1) The following uses, with restrictions and requirements as indicated hereunder:

- (a) Junk yards, scrap and waste storage and wholesaling.
- (b) Stone quarries and sand and gravel pits.

(c) The foregoing uses shall not be permitted unless they are enclosed on all sides by an opaque wall or fence no less than ten feet high.

(2) The following uses, with restrictions and requirements as indicated hereunder:

- (a) Slaughter houses, abattoirs, or stock yards.
- (b) Incineration, reduction or storage of garbage, offal or rancid fats.
- (c) Manufacture of explosives, ammunition, fireworks or matches.
- (d) Refining or processing of crude petroleum.
- (e) The foregoing uses shall not be located less than 600 feet from any residence district.

(3) Other uses not listed. Any other commercial or industrial use determined by the Board of Appeals to be of the same general character as those listed as permitted principal uses in division (A)(1) and (2) of this section but not including any use which is prohibited.

(4) Public parks.

(C) *Accessory permitted uses.*

- (1) Signs, as regulated by Chapter 1161.
- (2) Off-street parking and loading, as required by Chapter 1153.

(3) Any use customarily incidental to the principal permitted use, including dwellings used as quarters for watchmen or caretakers. (Ord. 1969-182, passed 1-12-70; Am. Ord. 1974-112, passed 9-23-74)

§ 1145.013 I-3 MINERAL EXTRACTION DISTRICT.

I. Enforcement of Regulated Activity

It is the intent of this I-3 Mineral Extraction district that the agency that issues a permit for a prescribed activity shall be the sole enforcement authority of its own regulations. For example, the city of Marion shall enforce its zoning regulations contained within this section of the City Zoning Code. Ohio EPA shall enforce the air and water regulations and ODNR shall enforce all activity (blasting, dewatering, well replacement, reclamation, etc.) referenced in Chapter 1514 of the Revised Code. Failure to comply with a legal order of an agency shall be deemed a violation of this Zoning

Ordinance, however, nothing herein shall be construed to require the owner or operator of the surface mine to waive or forfeit any right to appeal or otherwise contest the legality of any agency order. Upon request, the surface mining owner or operator shall provide to the city of Marion copies of all permits or licenses issued by other federal, state or local agencies.

If there is a conflict between any statute, law, ordinance, or regulation in effect at the time of the issuance of a zoning permit under this section and any such statute, law, ordinance, or regulation as later amended, the statute, law, ordinance or regulation in effect at the time of the issuance of the zoning permit shall control.

II. Setbacks

Extraction Activity

There shall be no extraction activity closer than:

- A. 100 feet from all township, municipal, and county roads.
- B. 50 feet from all state routes and U.S. highways.
- C. 300 feet from intense residential dwellings (**30 existing homes within a radius of 900 feet**).
- D. 100 feet from any isolated residential dwelling.
- E. 50 feet from any property line.

Processing Activities

- F. All plant processing activities, except for primary crushing, shall be conducted no closer than 600 feet from the nearest property line.
- G. Primary crushing activity shall be conducted no closer than 300 feet from the nearest property line.
- H. All setback requirements (excavation and processing) may be waived by an individual owner of an isolated residential property or the owners in an intense residential development if all owners so agree. To be effective, all such waivers shall be in writing and presented to the Zoning Inspector. Recognizing that neighboring property may be bought or sold at anytime, setback waivers may be obtained and presented to the Zoning Inspector at any time.

III. Berms and Buffers

- A. Unless fencing or barrier structures have been agreed to by the owner or operator of the surface mining premises, earthen berms shall be constructed around the perimeter of excavation area. Construction of fencing, barriers, or earthen berms shall be contemporaneous with mining activity such that as an area of land is affected by extraction, a berm or fence shall be constructed along the area affected, it being contemplated that the overburden removed from the affected area will be used to construct the berm. The type and height of fencing shall be agreed to by the owner or operator of the surface mining operation and the zoning inspector. In the event that the operator and the zoning inspector cannot agree, an earthen berm shall be constructed, if practicable. Berms shall be at least 8 feet high with a 3:1 slope and vegetated to prevent erosion. This section shall not apply to berms constructed on the site prior to the adoption of this section.
- B. Fencing, barriers, or earthen berms may be located in setback areas but in no event closer than five feet from a property line adjoining a residential lot or property.
- C. In the event that a setback of 300 feet as described in section II.C. is required, the owner or operator of the surface mining operation shall construct within the setback area an eight foot

high earthen berm with a 3:1 slope and vegetated with trees. The berm shall be constructed contemporaneous with the extraction activity such that as an area of land is affected by extraction, the berm shall be constructed along the area affected, it being contemplated that the overburden removed from the affected area will be used to construct the berm. This section complies with the requirements of R.C. 709.023(C).

IV. Truck Traffic Ingress/Egress

- A. There shall be no new commercial truck traffic entrance or exit to or from a public street, road or highway constructed on the premises.
- B. If a new commercial truck traffic entrance or exit is to be constructed on the premises, a conditional use certificate shall be obtained from the Board of Zoning Appeals along with the approval of the location of the entrance or exit by the city or county engineer that has jurisdiction over the road to be used for commercial truck ingress and egress.

V. Blasting

All surface mining blasting activity shall be managed and enforced as directed by Chapter 1514 of the Revised Code and relevant regulations. *Consistent with Chapter 1514 of the Revised Code, the operator of the mine shall install, maintain, and operate, in accordance with industry standards, a seismograph monitor on its property at a point which is closest to the nearest residential property in the area in which excavation is occurring.*

VI. Environmental and Reclamation

- A. Fugitive dust shall be managed and enforced as directed by the Ohio EPA.
- B. Discharge of water to ditches and streams shall be managed and enforced as directed by Chapter 6111 of the Revised Code.
- C. Relocation of drainage ditches shall be managed and enforced as directed by the USACE, Ohio EPA, County Engineer, and other appropriate state and local officials.
- D. Reclamation and bonding of the surface mining area shall be managed and enforced as directed by Chapter 1514 of the Revised Code.

VII. Replacement of Ground Water Wells

Dewatering of groundwater for surface mining and the replacement of water wells due to dewatering activities shall be managed and enforced as directed Chapter 1514 of the Revised Code.

VIII. Excavation Activities

All excavation activities shall be conducted pursuant to Chapter 1514 of the Revised Code.

IX. Lighting and Backup Alarms

All lights shall be directed so as to reduce glare off of the premises. All mobile equipment associated with the primary crushing activity shall use discernible or similar backup alarms approved by the Mine Safety and Health Administration to reduce sound levels. Backup alarms on customer trucks and other mobile equipment not associated with the primary crushing plant are not subject to this requirement.

X. Zoning Permit Term

Because surface mining activity is planned far in advance of the actual extraction activity, notwithstanding any other provision of this Zoning Ordinance, a zoning permit issued for activity in the I-3 Mineral Extraction District shall not expire nor shall surface mining activity be required to commence on the subject property within a specific period of time after the issuance of a zoning permit.

XI. Sound Levels

Because the I-3 ME District regulations require significant setback limits and berming requirements, the mining and processing activity addressed in the I-3 ME District shall not be subject to the requirements of Chapter 634 of the ordinances of the city of Marion pertaining to noise levels.

XII. Annexation Obligation

The owner of I-3 ME property shall be obligated to petition for the annexation of any contiguous real property owned by it or an affiliated entity to the city of Marion if such real property meets the statutory requirements for annexation under Chapter 709 of the Revised Code. This obligation shall extend to property owned at the time of the issuance of a zoning permit issued under this section and to any later acquired property. The property owner shall have the sole discretion to decide under which annexation procedure it will proceed, including without limitation, the Expedited Type II procedure. The property owner shall use its best efforts to secure the annexation of the real property. The owner shall file its annexation petition within one hundred twenty days after demand by the city of Marion to do so. Failure to comply with this provision shall be a basis upon which the city of Marion may cancel any previously issued zoning permit.

(Ord. 2013-68, passed 12-9-2013)

TITLE VIII PLANNED DEVELOPMENT PROJECTS
Chapter 1147 Purpose, Characteristics and General Procedures
Chapter 1148 Mobile Home Parks
Chapter 1149 Group Housing Developments

CHAPTER 1147: PURPOSE, CHARACTERISTICS AND GENERAL PROCEDURES

Section

- 1147.01 Purpose and characteristics
- 1147.02 General procedure and requirements
- 1147.03 Basic requirements
- 1147.041 Zoning applications procedures
- 1147.042 Subdivision procedure

§ 1147.01 PURPOSE AND CHARACTERISTICS.

The purpose of this title is to provide the opportunity for latitude in the building of preplanned developments which, by virtue of good design and balanced, well organized development, provide for orderly community growth or regrowth without strict adherence to all the development standards set forth in other titles of this zoning code for each zoning district. In lieu of or in modification of such development standards, the requirements and development standards set forth in this title for the several types of planned developments shall apply. (Ord. 1969-182, passed 1-12-70)

§ 1147.02 GENERAL PROCEDURE AND REQUIREMENTS.

Subject to the procedures and limitations set forth in § 1147.03, and 1147.04, planned development projects may be approved in use districts as set forth in succeeding chapters. (Ord. 1969-182, passed 1-12-70)

§ 1147.03 BASIC REQUIREMENTS.

In order to obtain approval, a proposed planned development shall comply with the following requirements:

- (A) Shall be in conformity with the comprehensive plan or portion thereof as it may apply;
- (B) Shall be consistent in all respects with the purposes and intent of this zoning code;
- (C) Will advance the general welfare of the municipality and the immediate vicinity; and

(D) Will provide, through desirable arrangement and design, benefits which justify the deviations from development standards which otherwise would apply.

(Ord. 1969-182, passed 1-12-70)

§ 1147.041 ZONING APPLICATIONS PROCEDURE.

- (A) All applications for planned development projects shall be submitted to the Planning Commission,

which shall investigate and ascertain that the plans for any such project comply with the conditions set forth in this chapter and in other applicable chapters of this title. The Commission shall specify in its bylaws the plans and other information which shall accompany each application. A report of its findings and recommendations shall be prepared and acted upon by the Commission. The report shall constitute a recommendation to the Council, for action as set forth hereunder.

(B) In its review of land action on any application for a planned development project, the Council shall follow the procedure set forth in the state statutes for an amendment to the Zoning Map, including posting of notices, hearings and Council action. However, approval of a planned development project shall not constitute an amendment of the zoning district in which the tract is located. If the approved development is not installed in accordance with plans and requirements of this chapter and of the other applicable chapters of this title within four years after date of approval, such approval shall become null and void. Provided that, upon request from the owner at the end of four years, the Commission may grant an extension of time if it is satisfied that the installation of the planned development project is progressing satisfactorily and that, within such extended time as may be granted, the entire project will comprise a desirable residential area.

(C) Plans for expansion of an existing planned development project may be submitted and shall be reviewed and acted upon in the same manner as set forth hereinbefore for an original application. In the case of an application to expand a planned development project which is nonconforming under the provisions of this zoning code, the expended portions shall conform in all respects with such provisions, and the Commission may specify the extent to which the original nonconforming development shall be altered to achieve a reasonable degree of conformity. (Ord. 1969-182, passed 1-12-70)

§ 1147.042 SUBDIVISION PROCEDURE.

If the proposed planned development project is determined to be a subdivision under the provisions of R.C. Chapter 711, the proposal shall be submitted and reviewed as a subdivision, in the manner set forth in the subdivision regulations. In such case, any approval of the planned development under the provisions of the zoning code shall be tentative, and shall be revoked if a final subdivision plan is not submitted and recorded within one year after such tentative zoning approval. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1148: MOBILE HOME PARKS

Section

1148.01	Purposes and characteristics
1148.02	Section Removed
1148.03	Procedures and requirements
1148.031	Application
1148.032	Review by Planning Commission and Council
1148.033	Use permits; revocation for cause
1148.04	Uses permitted
1148.041	Accessory uses
1148.05	Locational requirements
1148.06	Development standards

§ 1148.01 PURPOSES AND CHARACTERISTICS.

Within the scope of the general purposes of planned development projects as set forth in § 1147.01, the purpose of this chapter is to recognize the increasing demand for the mobile home park type of residential area, and to provide for the appropriate development of such parks. It is intended to provide locational requirements and developments standards which will lead to the development of stable and desirable mobile home parks, compatible with other uses in the vicinity. (Ord. 1969-182, passed 1-12-70)

§ 1148.02 CITY-WIDE LIMITATIONS.

This Section has been Removed (Ord. 2008-56, passed 10-27-08) (See Chapter 1154)

§ 1148.03 PROCEDURES AND REQUIREMENTS.

§ 1148.031 APPLICATION.

Following the general procedure specified in § 1147.041, the owner of a tract of land 40 acres or more in area, located in a residential district, may submit a plan for the development and use of such tract as a mobile home park under the provisions of this chapter. Such a plan shall be accompanied by a written agreement, in a form acceptable to the Law Director, on behalf of the owner, his/her successors and assigns, as follows:

(A) That the fixed installations of the proposed development, as shown on the plans and as set forth in the specifications, will be completed within such time period as may be agreed upon by the Commission, and

(B) That all land and improvements intended for the common use of all residents, including drives, walks, parking areas, utility right-of-way, or easements, recreation facilities and equipment and all landscaped or other common open space will be maintained in perpetuity, including such servicing as may be required for the use of such land and improvements, and

(C) That no future changes in the mobile home park will be made which would encroach upon any land used to comply with the requirements of this chapter as to density, open space, yards, vehicular access or parking, and

(D) That all easements for private drives, utility lines and similar purposes shall be open at all times for access by municipal employees and equipment for police and fire protection, for inspection of utility systems and other public purposes, and

(E) That tenant occupancy regulations, acceptable to the Commission and the Marion City Board of Health, shall be posted on the premises and enforced at all times. (Ord. 1969-182, passed 1-12-70)

§ 1148.032 REVIEW BY PLANNING COMMISSION AND COUNCIL.

(A) In addition to the basic requirements for all planned development projects, as set forth in § 1147.03, the Commission shall base its action on a finding that the plans for the proposed mobile home park comply with the following sections:

- (1) *§ 1148.04 Uses Permitted.*
- (2) *§ 1148.05 Locational Requirements.*
- (3) *§ 1148.06 Development Standards.*

(B) Such findings shall be included in the report of the Commission to the Council, as provided for in § 1147.041, and the Council shall not approve any mobile home park proposal which does not conform with the foregoing requirements. (Ord. 1969-182, passed 1-12-70)

§ 1148.033 USE PERMITS; REVOCATION FOR CAUSE.

If, at any time after issuance of the original zoning use permit, an annual permit by the Marion Board of Health or the Ohio Board of Health is denied, the zoning use permit shall be revoked and the mobile home park designation shall be removed from the records as they pertain to the tract of land involved. (Ord. 1969-182, passed 1-12-70)

§ 1148.04 USES PERMITTED.

Notwithstanding the uses otherwise permitted in the zoning district in which the tract is located, the uses permitted in a mobile home park shall be limited to the following:

(A) Mobile homes, limited to single-family residential occupancy, not including transient or vacationing families or persons, and not including the storage, display or sale of mobile homes on the premises, except as an accessory use as provided for in division (E) of this section.

(B) A permanent dwelling for one family, office and maintenance facilities for the operator of the mobile home park.

(C) Facilities for recreation, children's nursery, kindergarten, laundry or other similar services for the occupants.

(D) Off-street parking lots or garages.

(E) Display and sale of mobile homes within the mobile home park provided that:

(1) Each mobile home so displayed shall be located on a standard stand and site, in the same manner as an occupied mobile home; and

(2) No such display home shall be located within 50 feet of any boundary or street line of the park project; and

(3) There shall be no more than 15 such mobile homes on display at any one time. Such limitations shall not include mobile homes offered for sale on sites where they are to be occupied. (Ord. 1969-182, passed 1-12-70)

§ 1148.041 ACCESSORY USES.

(A) Signs, in conformance with Chapter 1161, with interpretation as follows:

(1) Project identification signs as specified for group housing Schedule 1161.022(A).

(2) Temporary display mobile home signs, as specified for model dwellings, in Schedule 1161.022(A). Such temporary sign shall be located immediately in front of the model home displayed, and not be visible from outside the project boundary.

(B) The storage of boats and recreation trailers owned by occupants of the mobile home parks shall be in special storage areas provided for them, and not on mobile home sites or in drives or recreation areas. (Ord. 1969-182, passed 1-12-70)

§ 1148.05 LOCATIONAL REQUIREMENTS.

In addition to the requirements set forth in § 1148.031, each mobile home park shall comply with the following requirements as to location:

(A) It shall be free of objectionable environment, such as poor drainage, air pollution, noise or unsightliness, in the same manner as other residential areas.

(B) It shall be so located as to assure a maximum of compatibility with other types of residential development. (Ord. 1969-182, passed 1-12-70)

§ 1148.06 DEVELOPMENT STANDARDS.

All mobile home parks shall comply with the requirements of the Ohio Department of Health, and shall be approved by said Department before zoning approval is given under the provisions of this chapter. In addition to requirements of the Ohio Department of Health, the location and arrangement of land, structures and mobile homes within a mobile home park shall be in accordance with the following standards:

(A) *General standards, facilities and services.*

(1) Minimum size of park: 40 acres.

(2) Maximum density of use: Six units per acre of land.

(3) Utilities required:

(a) Each site for an individual mobile home shall be provided with a water outlet connected to an approved water supply and a connection to an approved sanitary sewer system.

(b) The entire tract shall be provided with storm water drainage in accordance with a drainage plan approved by the City Engineer.

(4) General dimensions: Dimensions relating to the mobile home park tract as a whole shall be as follows:

- (a) Minimum tract width at the abutting public street: 300 feet
- (b) Minimum front yard depth: 30 feet
- (c) Distance between each mobile home site and interior property lines of the tract: 30 feet

(5) Private drives and dedicated streets:

(a) Private drives or common easements may be used to provide vehicular access to not more than 30 mobile home sites on any one such drive. In all other respects, the system of vehicular circulation for a mobile home park shall be provided by dedicated streets complying in all respects with the standards of the subdivision regulations for dedicated streets. Where private drives are used, the easement may be counted as a part of the net area in complying with density limits, but may not be counted as part of required recreation space.

(b) Where private drives are provided, the width of easement shall not be less than 35 feet and each easement shall be paved for a width of not less than 30 feet, no part of which shall be used for the parking of vehicles. Such pavement shall be constructed of not less than six inches of impervious pavement material on a prepared subgrade.

(c) There shall be common walks 30 inches or more in width within all private drives and dedicated streets, providing pedestrian access to all mobile home sites. Such walks shall be constructed of not less than four inches of impervious concrete pavement on a prepared subgrade.

(6) Off-street parking: Off-street parking, at a rate of two spaces per mobile home site, shall be provided, in a manner set forth in § 1153.03, except that such parking may be provided in group garages or parking lots within 150 feet of the mobile home sites to be served. Curb indented parking bays or courts may be provided within the easement or street right-of-way but not within the required roadway but not within the required roadway or sidewalk space. Such parking shall be permitted only along easements or streets internal to the mobile home park, and not along a public street serving other uses. Such off-street parking space may be counted as part of the net area in calculating density, but shall not be counted as part of required recreation space.

(7) Screening and landscaping: The entire mobile home park shall be constructed or planted and maintained with landscape plants or other materials including the following:

- (a) An effective opaque or transparent screen of plants or wall not less six feet in height, obscuring view of the park from adjoining properties.
- (b) Lawn, covering all areas not specifically requiring other surfacing.
- (c) Trees, intended to provide shade for the mobile home sites.
- (d) Shrubs or other materials to provide reasonable separation of mobile home sites.

(8) Recreation space: A safe, usable recreation area shall be provided, occupying not less than 10% of the tract.

(B) *Mobile home site standards.* The site for each individual mobile home in the park shall comply with the following requirements:

(1) Minimum size of site: Each site shall have no less than 4,000 square feet of area, shall be not less than 45 feet in width, and shall abut on a street or access drive for not less than 15 feet.

(2) Minimum size of stand: Each mobile home site shall be provided with a stand, having minimum dimensions equal to those of any mobile home to be placed on the stand, provided that the minimum width shall be 12 feet. No part of such stand shall be less than five feet from the boundary of the mobile home site. The stand shall be constructed of a minimum of six inches of compacted gravel or its equivalent in other pavement materials.

(3) Minimum floor area: Any mobile home used as a dwelling on the premises shall have a minimum floor area of 575 square feet.

(4) Outdoor living area: Each mobile home site shall be provided with a paved outdoor living area of not less than 180 square feet. Such area shall be paved with not less than four inches of concrete or other rigid impervious paving material, and shall be connected to common walks by a similarly paved walk of not less than two feet in width. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1149: GROUP HOUSING DEVELOPMENTS

Section

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§ 1149.01 PURPOSES AND CHARACTERISTICS.

Within the scope of the general purpose of planned development projects, as set forth in § 1147.01 the purposes of this chapter are as follows:

(A) To provide latitude to the housing industry to use new conceptual and technological methods in housing design and construction in the development of desirable and stable residential neighborhoods.

(B) To provide for variety in dwelling types, their arrangement and design, based on a unified development plan conceived and carried out for an entire tract of land, all within the intent of this zoning code relating to population density and dwelling types within each Residential District. (Ord. 1969-182, passed 1-12-70)

§ 1149.02 PROCEDURES AND REQUIREMENTS.

§ 1149.021 APPLICATION.

In any residential district, the owner of a tract of land meeting the minimum area requirements of this chapter may submit to the Planning Commission a plan for the development and use of such tract for residential purposes under the provisions of this chapter. Such plan shall be accompanied by a written agreement, in a form acceptable to the Law Director, on behalf of the owner, his/her successors and assigns as follows:

(A) That the proposed development, as shown on the plans and as set forth in specifications, will be completed in every detail within such time period as may be agreed upon by the Planning Commission.

(B) That all land and improvements intended for the common use of all residents, including drives, walks, parking areas, utility right-of-way, or easements, recreation facilities and equipment and all landscaped or other common open space will be maintained in perpetuity, including such servicing as may be required for the use of such land and improvements, and

(C) That no future changes in the development shall be made which would encroach upon the land used to comply with the requirements of this chapter as to density, open space, yards, courts, vehicular access, automobile parking, building coverage or other outdoor requirements. (Ord. 1969-182, passed 1-12-70)

§ 1149.022 REVIEW BY THE CITY PLANNING COMMISSION.

(A) In addition to the general requirements set forth in § 1149.021, the Planning Commission shall base its approval on a finding that the plans for a proposed residential project comply with the following sections:

- (1) § 1149.03 *Definition of Group Housing Project.*
- (2) § 1149.04 *Uses Permitted.*
- (3) § 1149.05 *Development Standards.*

(B) A report of its findings and recommendations be prepared and acted upon by the Planning Commission. If the Planning Commission finds that the proposed residential development will be consistent with the intent and purpose of this zoning code to promote the public health, safety, morals and general welfare, it shall prepare and adopt a resolution of approval, instructing the Safety/Service Director to issue a use permit and/or a zoning permit, even though the location of the buildings to be erected and the open spaces or other development standards contemplated by the plan do not conform in all respects to the requirements of this code for the district in which the project is to be located. (Ord. 1969-182, passed 1-12-70)

§ 1149.03 DEFINITION OF GROUP HOUSING DEVELOPMENT.

(A) A **GROUP HOUSING DEVELOPMENT** is defined as a group of two or more dwelling structures, together with other permitted uses, on a parcel of ground not less than 50,000 square feet in area in single ownership with not less than 100 feet of frontage on a public street, which frontage shall serve as the principal means of access to the property.

(B) In complying with the foregoing definition, single ownership shall be construed to include the following:

- (1) A person, partnership or corporation.
- (2) An association of property owners, legally bound to one another, to carry out the provisions of this chapter for development and operation of a group housing development, likewise legally bound to execute the agreements as provided for in § 1149.021.
- (3) The owner's association of a condominium project, established under the provisions of R.C. Chapter 5311, which has the power to execute the agreements as provided for in § 1149.021. (Ord. 1969-182, passed 1-12-70)

§ 1149.04 USES PERMITTED.

The uses permitted in a group housing development shall be those listed in § 1137.01 for the residential district in which the project is located. (Ord. 1969-182, passed 1-12-70)

§ 1149.05 DEVELOPMENT STANDARDS.

All group housing developments shall conform to the development standards set forth hereunder. (Ord. 1969-182, passed 1-12-70)

§ 1149.051 MAXIMUM AVERAGE DENSITY OF DEVELOPMENT.

The maximum average density of development within the boundaries of the lot shall be those listed under Lot Area per Dwelling Unit in § 1151.011(A) for the district in which the lot is located. (Ord. 1969-182, passed 1-12-70)

§ 1149.052 APPLICATION OF DENSITY REQUIREMENTS.

(A) In a group housing development, all land proposed in the project for residential use, including outdoor use of space, off-street parking, interior drives and other circulation ways, may be counted as part of the lot area in complying with the density requirements.

(B) A group housing development shall be considered as one parcel, regardless of the extent to which the parcel is subdivided by interior streets or drives. (Ord. 1969-182, passed 1-12-70)

§ 1149.053 MINIMUM PRIVATELY OCCUPIED LOT AREA.

For any single family or two family dwelling or any dwelling unit in a town house building there shall be privately occupied lot area, including space occupied by such dwelling or dwelling unit and adjoining open space assigned exclusively to such dwelling unit of not less than 60% of the applicable lot area per dwelling unit as set forth under Lot Area per Dwelling Unit in § 1151.011(A). Provided that the maximum building coverage of such privately occupied space shall be as set forth in § 1149.056(A). (Ord. 1969-182, passed 1-12-70)

§ 1149.054 ASSIGNMENT OF OPEN SPACES TO REQUIRED USES.

For all open spaces required herein, assignments shall be as follows:

(A) *Privately occupied open space.* Where privately occupied lot area is required by § 1149.053, any privately occupied lot area not occupied by the dwelling unit shall be considered as required private open space. Such open space shall be located adjoining such dwelling unit.

(B) *Open space for common use of all residents.* All open space not assigned to private occupancy as set forth in division (A) shall be assigned to the common use of all residents of the development, with such use assured in perpetuity as provided for in § 1149.021. Assignment and development of such open spaces shall be as follows:

- (1) Access driveways as required to comply with § 1149.058.
- (2) Off-street parking space as required for dwellings in § 1153.03.
- (3) Landscaped areas, comprising no less than 10% of all common open space required by this chapter, may include the following:
 - (a) Pedestrian access walkways.
 - (b) Children's play areas.
 - (c) General landscaped areas, flower gardens and areas for passive recreation.
 - (d) Swimming pools, including accompanying accessory structures, and areas for organized sports.
 - (e) Any other areas suitable for the common enjoyment of the residents. (Ord. 1969-182, passed 1-12-70)

§ 1149.055 MINIMUM OPEN SPACE DIMENSIONS AND ALLOCATION.

(A) *Minimum dimensions.* The minimum dimensions of open spaces in a group housing development shall be as set forth in the following Table, identified as § 1149.055(1). (Ord. 1969-182, passed 1-12-70)
[§ 1149.055(1) begins on following page.]

§ 1149.055(1) MINIMUM OPEN SPACE DIMENSIONS FOR GROUP HOUSING DEVELOPMENTS.

TYPE OF STANDARD	RESIDENTIAL DISTRICTS		
	Single Family R-1A, R-1B, R-1C	General Dwelling R-2	Multi-family R-3
FRONT YARD DEPTH for entire lot	30 feet	30 feet	Equal to height of building but not less than 30 feet
WIDTH OF SPACES ADJOINING DWELLINGS:			
<u>Major Open Space Opposite One Longer Wall</u> Length of wall plus height of building in feet, divided by:	1.5	3*	4*
Provided that no major open space shall be less in this dimension than:	30 feet	40 feet	40 feet
<u>Secondary Open Spaces Opposite all Other Walls</u> Length of wall plus height of building in feet, divided by:	3	6*	8*
Provided that no secondary open space shall be less in this dimension than:	15 feet	15 feet	15 feet
DISTANCE OF BUILDINGS FROM INTERIOR LOT LINES			
Same as required immediately above for major secondary open spaces adjoining a building, depending on arrangement of other open spaces adjoining such building in accordance with § 1149.055(B)(1)(c).			
COURTS			
Required court for apartment dwellings of three or more stories must be outer court.			
Least width: Ten percent greater for an outer court and 20% greater for an inner-court than required width for major open space opposite a building of the same height and length in a dwelling group as set forth in the table immediately above.			
Maximum length: Two times the width.			
* For 2 family dwellings in R-2 and R-3 Districts, the Divisor shall be as follows: Major open space - 1.5 Secondary open space - 3			

(B) *Application of open space requirements.*

In the application of the open space requirements set forth in § 1149.055(1), the following provisions shall apply.

(1) *Spaces adjoining dwellings.*

(a) *General.* Around every principal building there shall be a minimum required open space, unobstructed by any other building, which shall be provided in the amount and in the manner specified hereunder.

(b) *Overlapping of open space.* The open space allocated to any principal building may overlap the open space allocated to any other principal building except in the space required between any principal building and any property line of the development.

(c) *Arrangement of open spaces.* Opposite one longer wall of each principal building there shall be a wider major open space, as set forth in § 1149.055(1). Opposite the other walls of the building the secondary open spaces may be smaller, as set forth in § 1149.055(1). In the case of a square building, any one of the equal walls may be considered as the one longer side.

(2) *Adjustment for irregular open spaces.* Where an open space is irregular because the building walls and/or lot lines are not parallel or because of broken alignment of a building wall or lot line, the dimensions of the open space shall be such that its total area is equal to the open space area which would result if the required width were applied to a building of equal height and length having an unbroken wall parallel with an unbroken opposite wall or parallel with an unbroken lot line, as the case may be; provided that such open space shall at no point be narrower than 1/2 of the required least width. (Ord. 1969-182, passed 1-12-70)

§ 1149.056 MAXIMUM AREA COVERED BY BUILDINGS.

The total area which may be covered by buildings in a group housing development shall be governed as follows:

(A) *Maximum coverage of privately occupied area by single- and two-family dwellings and town house dwelling units.* Within the required minimum privately occupied area for each single-family or two-family dwellings or town house dwelling unit, as set forth in § 1149.053, the maximum coverage by each dwelling or dwelling unit shall be as follows:

<i>Dwelling Type and District</i>	<i>Maximum Building Area as a Percent of Privately Occupied Area</i>
<i>Single-Family Dwelling</i>	
- In R-1A District	30%
- In R-1B or R-1C District	33_%
<i>Two-Family Dwelling</i>	
-In any district, per dwelling unit	33_%
<i>Town House Dwelling Unit</i>	
- In R-2 District	50%
- In R-3 District	60%

(B) *Maximum coverage of total project area by buildings.* Within the total development lot area, as defined by § 1149.052(A), the maximum coverage by buildings shall be as follows:

<i>Residential Districts and Dwelling Types</i>	<i>Maximum Coverage by Buildings</i>
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Single-Family Dwellings

R-1, and R-2 Districts	20%
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Multi-Family Dwellings

R-2 District	30%
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R-3 District	36%
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(Ord. 1969-182, passed 1-12-70)

§ 1149.057 MAXIMUM HEIGHT OF BUILDINGS.

The maximum height of buildings in any group housing development shall be the same as required for each residential district by § 1151.011. (Ord. 1969-182, passed 1-12-70)

§ 1149.058 VEHICULAR ACCESS AND PUBLIC STREETS.

(A) Every residential structure in a group housing development shall be within 200 feet of a hard surfaced access drive no less than 20 feet wide or a parking lot connected with such a drive. In addition, every dwelling or ground floor dwelling unit shall be directly accessible to service and emergency vehicles.

(B) As a condition to approval of any group housing development, the Planning Commission may require public streets to be dedicated and improved as it deems necessary to fulfill the basic requirements of § 1147.03, and in accordance with the subdivision regulations. (Ord. 1969-182, passed 1-12-70)

TITLE IX GENERAL USE AND DEVELOPMENT STANDARDS

- Chapter 1151 Lot Area, Yard, Court and Building Height Standards
- Chapter 1153 Off-street Loading and Parking Standards
- Chapter 1154 Uniform Single-Family Home Regulations
- Chapter 1155 Transitional Uses in Residential Districts
- Chapter 1157 Conversion of Existing Dwellings
- Chapter 1159 Accessory Structures in Residential Districts
- Chapter 1161 Signs
- Chapter 1163 Other Special Use Regulations

CHAPTER 1151: LOT AREA, YARD, COURT AND BUILDING HEIGHT STANDARDS

Section

- 1151.01 Requirements in residential districts
- 1151.011 Schedule of area, yard and building height regulations in residential districts
- 1151.012 Schedule of lot size and yard regulations for non-dwelling structures
- 1151.013 Courts for dwellings
- 1151.02 Requirements in the O-I Office and Institutional District
- 1151.021 Minimum lot size dimensions
- 1151.022 Maximum coverage of lot by buildings
- 1151.023 Floor area ratio
- 1151.024 Minimum front yard depth
- 1151.025 Minimum side and rear yards
- 1151.026 Maximum building height
- 1151.03 Requirements in the O-I-A Office-Institutional-Apartment District
- 1151.04 Requirements for non-dwelling structures in commercial and industrial districts
- 1151.041 Minimum front yard depth
- 1151.042 The schedule of side and rear yard dimensions
- 1151.043 Maximum height limits
- 1151.05 Requirements for dwellings, where permitted in commercial district
- 1151.051 Dwellings as separate structures in commercial district
- 1151.052 Dwelling units permitted on upper floor
- 1151.06 Exceptions to lot and application of lot area, yard and building height requirements
- 1151.061 Exceptions to lot width and area requirements
- 1151.062 Front yard exceptions and modifications
- 1151.063 Side yard exceptions, application and adjustments
- 1151.064 Rear yard exceptions for shallow lots
- 1151.065 Uses and projections permitted in yards
- 1151.066 Height limit exceptions

§ 1151.01 REQUIREMENTS IN RESIDENTIAL DISTRICTS.

In all residential districts, all structures shall comply with the requirements set forth in the schedules hereunder. (Ord. 1969-182, passed 1-12-70)
[§ 1151.011 begins on following page.]

§ 1151.011 SCHEDULE OF AREA, YARD AND BUILDING HEIGHT REGULATIONS IN RESIDENTIAL DISTRICTS.

For all structures, the area, yard and building height regulations shall be set forth in the following schedule, identified as § 1151.011(A):

<i>ZONING DISTRICT</i>	<i>DWELLING TYPE</i>	<i>MINIMUM LOT SIZE</i>		<i>LOT AREA PER DWELLING UNIT</i>		<i>MAXIMUM FLOOR</i>	<i>MINIMUM YARD DIMENSIONS</i>			<i>MAXIMUM BUILDING HEIGHT</i>		
		<i>Square Feet</i>	<i>Width in Feet</i>	<i>No. Bedrooms</i>	<i>Square Feet</i>	<i>Area Ratio</i>	<i>Front Yard</i>	<i>Side Yard</i>		<i>Rear Yard</i>	<i>Feet</i>	<i>Stories</i>
								<i>Least Width</i>	<i>Sum of Widths</i>			
SINGLE FAMILY DISTRICT:												
R-1A	1 family	12,000	80	any	12,000	none	30	6	16	40	30	unlimited
R-1B	1 family	8,400	70	any	8,400	none	30	5	14	35	30	unlimited
R-1C	1 family	6,000	50	any	6,000	none	30	5	13	30	30	unlimited
GENERAL DWELLING DISTRICT:												
R-2	1 family	6,000	50	any	6,000	none	30	5	13	30	30	unlimited
	2 family	8,000	65	any	4,000	none	30	5	13	30	30	unlimited
	Town house* or multi-family	As needed to comply with lot area and yard requirements	0	2,500	0.4	30	Each yard, 1/6 of sum of height and length of building walls most nearly parallel with side lot line	30	30	30	2	
			1	3,000	0.4	30		30	30	2		
			2	3,500	0.4	30		30	30	2		
3 or more			4,000	0.4	30	30		30	2			
MULTI-FAMILY												

DISTRICT:												
R-3	2 family	8,000	65	any	4,000	none	30	5	13	30	30	2
	Town house*	As needed to comply with lot area and yard requirements	0	1,200	1.0	30	Each yard, 1/6 of sum of height and length of building walls most nearly parallel with side lot line	30	30	2		
			1	1,600	1.0	30		30	30	2		
			2	2,400	1.0	30		30	30	2		
			3 or more	2,800	1.0	30		30	30	2		
	Multi-family	As needed to comply with lot area and yard requirements	0	1,200	1.0	30	Each yard, 1/6 of sum of height and length of building walls most nearly parallel with side lot line	Height of building but less than 30 feet	Unlimited, provided front yard requirement is complied with			
			1	1,600	1.0	30						
			2	2,400	1.0	30						
			3 or more	2,800	1.0	30						

* See definition of "Dwelling Town House" for additional requirements as to privately occupied area, maximum number and minimum width of dwelling units.

(Ord. 1969-182, passed 1-12-70)

§ 1151.012 SCHEDULE OF LOT SIZE AND YARD REGULATIONS FOR NON-DWELLING STRUCTURES.

In addition to the requirements set forth in the foregoing schedule § 1151.011(A), all non-dwelling structures shall comply with the requirements of the following schedule:

NON-DWELLING STRUCTURE	Minimum Lot Size		Minimum Yard (feet)		
	Area (acres)	Width (feet)	Front	Side	Rear
				(least width)	
School buildings and accessory structures	5	200	30	25	50
Hospitals and sanitariums	2	200	30	25	50
Churches	Sufficient to comply with yard and parking requirements		30	25	30
All other structures	Sufficient to comply with yard and parking requirements		30	18	30

§ 1151.013 COURTS FOR DWELLINGS.

In any district where dwellings are permitted, the regulations for courts in dwelling structures shall be as follows:

(A) Required court for apartment dwellings of three stories must be an outer court.

(B) Least width and maximum length shall be the same as required for courts in dwellings in group housing developments as set forth in § 1149.055(1). (Ord. 1969-182, passed 1-12-70)

§ 1151.02 REQUIREMENTS IN THE O-I OFFICE AND INSTITUTIONAL DISTRICT.

In all office and institutional districts, lot size, lot coverage, floor area ratio, yard and building height requirements shall be as set forth in the sections hereunder. (Ord. 1969-182, passed 1-12-70)

§ 1151.021 MINIMUM LOT SIZE DIMENSIONS.

No minimum lot size or dimensions are required. However, such lot size and dimensions shall be adequate to comply with the maximum coverage and minimum yard requirements of these development standards. (Ord. 1969-182, passed 1-12-70)

§ 1151.022 MAXIMUM COVERAGE OF LOT BY BUILDINGS.

Principal and accessory buildings shall not occupy more than 25% of the area of a lot. (Ord. 1969-182, passed 1-12-70)

§ 1151.023 FLOOR AREA RATIO.

The ratio of floor area to lot area shall not exceed 0.5, provided that, where a lot in the O-I District adjoins,

along 1/2 or more of the total perimeter of its property line, land located in the R-3 Multi-family District, the floor area ratio may be increased to 1.0. (Ord. 1969-182, passed 1-12-70)

§ 1151.024 MINIMUM FRONT YARD DEPTH.

The minimum depth of the front yard shall be equal to the height of the building, but in no case shall be less than 30 feet. (Ord. 1969-182, passed 1-12-70)

§ 1151.025 MINIMUM SIDE AND REAR YARDS.

Based on the dimensions of building wall parallel or most nearly parallel with the side or rear lot line, the width of side yard and depth of rear yard shall be determined in accordance with the following formula:

$$\frac{\text{Height of wall} + \text{length of wall}}{4} = \text{Width or depth of yard}$$

Provided, however, that no side yard width or rear yard depth shall be less than 15 feet. (Ord. 1969-182, passed 1-12-70)

§ 1151.026 MAXIMUM BUILDING HEIGHT.

No limitation, provided that the front yard requirement is complied with; provided further that, for any building located within 200 feet of any lot in any R-1 or R-2 District, the building height shall be limited to 30 feet (Ord. 1969-182, passed 1-12-70)

§ 1151.03 REQUIREMENTS IN THE O-I-A OFFICE-INSTITUTIONAL-APARTMENT DISTRICT.

In all Office-Institutional-Apartment Districts, lot size, lot coverage, floor area ratio, yard, court and building, height requirements shall be the same as those set forth in § 1151.02 for the O-I District. The floor area ratio of buildings exclusively for elderly housing and limited to such use by legally binding agreements or other documents may be increased to 1.4. (Ord. 1969-182, passed 1-12-70)

§ 1151.04 REQUIREMENTS FOR NON-DWELLING STRUCTURES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

In all commercial and industrial districts, the lot area, yard and building height requirements for non-dwelling structures shall be as set forth in the sections hereunder. (Ord. 1969-182, passed 1-12-70)

§ 1151.041 MINIMUM FRONT YARD DEPTH.

Minimum front yard depth shall be the height of the building, but not less than 30 feet except in the C-3 Central Core Business District for which no front yard shall be required. (Ord. 1969-182, passed 1-12-70)

§ 1151.042 THE SCHEDULE OF SIDE AND REAR YARD DIMENSIONS.

The schedule of side and rear yard dimensions shall be as follows:

(A) Yard adjoining a lot line in a nonresidential district: No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with § 1153.02.

(B) Yards adjoining a lot line of a residential district shall be based on the dimension of building wall parallel or most nearly parallel with the side or rear lot line, the width of side yard and depth of rear yard shall be determined in accordance with the following formula:

$$\frac{\text{Height of wall} + \text{length of wall}}{\text{Building wall divisor}} = \text{Width or depth of yard}$$

For each district, the building wall divisor is given in the table hereunder:

Zoning District	Building Wall Divisor	Minimum Width or Depth in Feet	
		Side Yard	Rear Yard
C-1 Neighborhood Shopping	4	15	20
C-2 Community Shopping	4	15	20
C-3 Central Core Business	Does not apply		
C-4 Central Frame Business	4	25	25
C-5 General Business	4	25	25
I-1 Limited Industrial	3	25	25
I-2 General Industrial	3	50	50

Provided, however, that no side yard width or rear yard depth shall be less than the minimum dimensions given in the foregoing table. (Ord. 1969-182, passed 1-12-70)

§ 1151.043 MAXIMUM HEIGHT LIMITS FOR BUILDINGS IN COMMERCIAL AND INDUSTRIAL DISTRICTS SHALL BE AS FOLLOWS:

Zoning District	Maximum Height
C-1, C-5	30 feet or 2 stories
C-2	40 feet or 3 stories
C-3	Two times distance of building wall from center line of principal abutting street.
C-4, I-1,	None, provided front yard requirement I-2 is complied with. (Ord. 1969-182, passed 1-12-70)

§ 1151.05 REQUIREMENTS FOR DWELLINGS, WHERE PERMITTED IN COMMERCIAL DISTRICT.

§ 1151.051 DWELLINGS AS SEPARATE STRUCTURES IN COMMERCIAL DISTRICT.

Where dwellings are permitted as separate structures in commercial districts, they shall comply with the lot area, yard, court and building height requirements in § 1151.01 for dwellings in residential districts, as set forth hereunder.

<i>Commercial District</i>	<i>Residential District Regulations Applying</i>
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C-4	R-3
C-5	R-2

(Ord. 1969-182, passed 1-12-70)

§ 1151.052 DWELLING UNITS PERMITTED ON UPPER FLOOR.

Where dwelling units are permitted on upper floors of buildings partially occupied by other uses, such buildings shall comply with the yard, court and building height requirements of § 1151.04 for non-dwelling structures. They shall comply with the lot area requirements in § 1151.01 for multi-family dwellings in residential districts as follows:

<i>Commercial District</i>	<i>Residential District Regulations Applying</i>
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C-1, C-2 and C-5	R-2
C-4	R-3
C-3	None Required

Provided that such residential lot area requirements are subject to the following modifications:

(1) Land spaces developed and used for off-street parking and servicing of non-dwelling uses on the premises shall not be included in computing residential lot area.

(2) Roof surfaces accessible to and developed for the use of dwelling units may be included in such computation. (Ord. 1969-182, passed 1-12-70)

§ 1151.06 EXCEPTIONS TO AND APPLICATION OF LOT AREA, YARD AND BUILDING HEIGHT REQUIREMENTS.

§ 1151.061 EXCEPTIONS TO LOT WIDTH AND AREA REQUIREMENTS.

In a district where it is permitted, a single-family dwelling may be erected on a lot which is nonconforming as to lot area or width, provided however, that where three or more abutting lots of record were held in one ownership at the effective date of this zoning code, and where one or more of such lots are nonconforming, the exception in this division shall not apply. (Ord. 1969-182, passed 1-12-70)

§ 1151.062 FRONT YARD EXCEPTIONS AND MODIFICATIONS.

(A) *Exceptions for existing alignment.* In any district, where the average of existing front yard depths for lots located within 100 feet of both sides of a lot in question is greater or less than the required front yard

specified in this chapter, such average of depths shall be the required depth for such lot, provided that no front yard shall be required to exceed 40 feet in depth, and shall not be less than ten feet. In deriving the average depth of existing front yards the following rules shall be observed:

(1) A lot which is only partially within 100 feet of the lot in question shall be included in the average if any part of the principal building thereon is located within said 100 foot distance.

(2) Any vacant lot within said 100 feet shall be considered as having the minimum required front yard depth in computing the average.

(B) *Front yards required in nonresidential districts along residential district boundary line.* In any block which includes both residential and nonresidential districts along the same side of the street, the front yard requirement of the nonresidential district shall be either the requirement set forth for such district or the requirement set forth for the residential district in such block, whichever is greater. (Ord. 1969-182, passed 1-12-70)

§ 1151.063 SIDE YARD EXCEPTIONS, APPLICATION AND ADJUSTMENTS.

(A) *Side yard exceptions for narrow lots.* In case of a lot which is existing and of record at the time of the effective date of this zoning code in any residential district, if the owner of record does not own any adjacent property, 1½ inches may be deducted from the required least width of side yard and three inches from the required sum of widths for each foot by which the lot is narrower than the required width. Such deductions shall not apply to buildings higher than two stories. In no case shall any side yard be narrower than three feet.

(B) *Side street side yard.* Any corner lot in a residential district having an abutting interior lot fronting on its side street shall have a minimum required side yard on the side street equal to the required front yard depth of the district in which it is located; provided, however, that this requirement shall not be applied to a lot which was of record at the time this zoning code became effective so as to reduce the buildable width to less than 25 feet.

(C) *Adjustments for irregular side yards.* Where the side wall of a building is not parallel with the side lot line or where the side yard has an irregular width due to broken alignment of side wall or side lot line, the side yard shall be such that its total area is equal to the side yard area which would result if the required least width were applied to a building of equal length and height having an unbroken wall parallel with an unbroken side lot line; provided that such side yard shall at no point be narrower than ½ of the required least width or three feet, whichever is greater.

(D) *Side Yard Exception in R-2 and R-3 Districts.* In the case of a lot or lots existing and of record at the time of the effective date of this Zoning Code in an R-2 or R-3 Residential District when, singly or after being combined constitute a width of less than 60 feet under one ownership, then a new Town House, Multi-Family Dwelling or Apartment Hotel may have its required setback reduced to 6 feet for one side yard. This provision is only to apply if the side to be reduced is not on a street or alley and the other side yard fully meets the setback requirements of 1151.011 or other requirements elsewhere in this code. (Ord. 1969-182, passed 1-12-70; Ord. 2005-41, passed 06-27-2005)

§ 1151.064 REAR YARD EXCEPTIONS FOR SHALLOW LOTS.

For a lot which was of record at the time this zoning code became effective, which lot is in a residential district and has a depth of less than 110 feet, the depth of the rear yard need not exceed 25% of the depth of the lot, but shall not be less than 15 feet in any case. (Ord. 1969-182, passed 1-12-70)

§ 1151.065 USES AND PROJECTIONS PERMITTED IN YARDS.

The following accessory uses and structural projections shall be permitted within any required yard; with limitations as specified:

(A) Off-street loading and parking space in required front yards in industrial districts, to within 15 feet of the street line, except where located within the same block front as a residential district.

(B) (1) Fuel pumps in required front yards in connection with a conforming service station, to within 20 feet of the street line, and complying with the requirements of § 1163.022 relating to equipment for outdoor servicing of vehicles.

(2) Canopies covering permitted fuel pumps in connection with a conforming service station where the supporting column or any other columns are no closer than 20 feet of the street line, and where the canopy overhangs no closer than ten feet to the street line, and 25 feet to an adjacent property line. Provided, however, that no signs shall be attached to canopies.

(C) Required or permitted fences, walls and landscaping, provided that any fence, wall or hedge shall conform to the following locational and maximum height limitations:

<i>Yard</i>	<i>Maximum Height Location</i>	<i>in Feet</i>
Rear	If within ten feet of side or rear lot line	8
	If ten feet or more from side or rear lot line	12
Rear or Side Yard (Corner lot)	No less than one foot from street right-of-way line in any case	3'-6"
Side	At any location	6
Front	No less than one foot from street right-of-way line in any case	4 feet except at intersection of streets or alleys which maximum height shall be 3'-6"

(D) The side of the fence closest to an adjacent property line and facing outward from the yard being fenced shall be the smooth finished side and all horizontal, diagonal, or supporting members shall be on the interior side of the fence. (Ord. 2015-79, passed 10-26-2015)

(E) Eaves, cornices, window sills and belt courses may project into any yard a distance not to exceed three feet.

(F) Accessory buildings in rear yards, in accordance with the provisions of Chapter 1159.

(G) Steps, terraces or uncovered porches may project into any yard, provided they are not over 3½ feet above the average finished grade at the adjacent building wall and distant at least three feet from every lot line. (Ord. 1969-182, passed 1-12-70)

§ 1151.066 HEIGHT LIMIT EXCEPTIONS.

(A) The height limits of this zoning code shall not apply to churches, schools, hospitals and such public buildings as a library, museum, auditorium, art gallery, fire station or public buildings of a cultural, recreational or administrative nature; provided that the yard requirements set forth in § 1151.012 for non-dwelling structures in residential districts shall be complied with.

(B) Church spires, belfries, cupolas, domes, monuments, fire and hose towers, chimneys, smokestacks and flag poles may exceed the height limits.

(C) Water tanks, bulkheads, grain elevators, gas holders, radio and television transmission and receiving towers and similar structures auxiliary to permitted principal uses in a district may exceed the height limits. (Ord. 1969-182, passed 1-12-70; Am. Ord. 2001-24, passed 3-26-2001)

CHAPTER 1153: OFF-STREET LOADING AND PARKING STANDARDS

Section

1153.01	Off-street loading and parking standards
1153.011	Abandoned junk motor vehicles
1153.02	Off-street loading space required
1153.021	Requirements
1153.022	Schedule of loading space required
1153.023	Application of schedule
1153.024	Development standards for off-street loading space
1153.03	Off-street parking spaces required
1153.031	Application of requirements
1153.032	Schedule of parking spaces required
1153.033	Application of schedule
1153.034	Development standards for off-street parking space
1153.04	Restricted commercial or industrial accessory parking areas

§ 1153.01 OFF-STREET LOADING AND PARKING STANDARDS.

Purpose. The purpose of this chapter is to provide, through special regulations, for adequate off-street loading and parking facilities, as necessary for efficient and convenient community activity and for the prevention of traffic congestion. (Ord. 1969-182, passed 1-12-70; Am. Ord. 1993-87, passed 8-9-93)

§ 1153.011 ABANDONED JUNK MOTOR VEHICLES.

(A) (1) No person shall willfully leave an abandoned junk motor vehicle as defined in R.C. § 4513.63, on private property for more than 72 consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for 48 consecutive hours or longer, without notification to the police chief of the reasons for leaving the vehicle in such place.

(2) For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private within the municipality. (R.C. § 4513.64)

(B) Whoever violates this section is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the municipality in disposing of such vehicle or abandoned junk motor vehicle, less any money accruing to the municipality from such disposal. (R.C. § 4513.99(D)) (Ord. 1993-87, passed 8-9-93)

Cross-reference:

Abandoned junk motor vehicles, see § 351.18

§ 1153.02 OFF-STREET LOADING SPACE REQUIRED.

§ 1153.021 REQUIREMENTS.

In any district there shall be provided and maintained off-street loading space in connection with every building or part thereof hereafter erected which is to be occupied by any commercial or industrial use. For any such use off-street loading space shall be provided as specified in § 1153.022. (Ord. 1969-182, passed 1-12-70)

§ 1153.022 SCHEDULE OF LOADING SPACE REQUIRED.

<i>Size of Building in Gross Square Feet</i>	<i>Number of Loading Spaces</i>
Less than 5,000	None
5,000 to 19,999	1
20,000 to 39,999	2
40,000 to 64,999	3
65,000 to 100,000	4
Each additional 100,000 sq. ft. or fraction thereof. (Ord. 1969-182, passed 1-12-70)	One additional space

§ 1153.023 APPLICATION OF SCHEDULE.

(A) *Joint loading space.* Owners or occupants of several establishments or buildings not separated by a street may jointly provide the required off-street loading space, provided that no loading dock shall be more than 200 feet distance from the service door of the building it is intended to serve and that the gross area of all the establishments or buildings to be served by such joint loading facility shall be used to determine the required number of loading spaces.

(B) *Expansion of existing use.* A building existing lawfully at the time this zoning code became effective, but which does not comply with the off-street loading requirements set forth in § 1153.022 may be occupied by the existing use without such facilities being made available. However, any loading space which may be provided shall be in accord with the development standards set forth in § 1153.024. If the existing building is expanded so that there is an increase in the square feet of floor area so used, then off-street loading space shall be provided at least equal to the required number of spaces for the entire building or use in accordance with the schedule set forth in § 1153.022 and such spaces shall conform with the development standards in § 1153.024.

(C) *Exception due to inaccessibility.* If the required loading space, when provided, would be inaccessible from a public street or alley for vehicles of the type necessary to serve the use in question, the Board of Appeals shall, upon so finding, grant such exception from the off-street loading requirements as it deems necessary.
(Ord. 1969-182, passed 1-12-70)

§ 1153.024 DEVELOPMENT STANDARDS FOR OFF-STREET LOADING SPACE.

(A) Each loading space shall not be less than ten feet in width, 50 feet in length and 14 feet in vertical clearance, provided that, if it is shown that the building or establishment in question is not and will not be served by trucking vehicles more than 35 feet in length, the Board of Appeals may grant an exemption reducing the required length of loading space to a length no less than the maximum length of such servicing vehicles, but in no case to be less than 25 feet.

(B) Subject to limitations set forth in § 1151.065 loading spaces may occupy all or any part of any required yard.

(C) No loading space shall be located closer than 25 feet to any lot in any residential district unless wholly within a completely enclosed building or unless separated from such Residential District lot by a wall, solid fence or hedge not less than six feet in height.

(D) Access to loading areas. Every loading area shall have vehicular access to and from a public street or alley. (Ord. 1969-182, passed 1-12-70)

§ 1153.03 OFF-STREET PARKING SPACES REQUIRED.

§ 1153.031 APPLICATION OF REQUIREMENTS.

(A) In all districts except the C-3 Central Core District, in connection with any use there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces in accordance with the schedule set forth in § 1153.032. When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including ½ shall be disregarded and fractions over ½ shall require one parking space.

(B) In all districts except the C-3 Central Core District or Industrial Districts, one parking space shall be provided for each employee. (Ord. 1969-182, passed 1-12-70)

§ 1153.032 SCHEDULE OF PARKING SPACES REQUIRED.

<i>TYPE OF USE</i>	<i>NUMBER OF SPACES</i>
(A) <i>Uses Not Listed</i>	Requirements for most nearly similar use specifically listed, as determined by the Safety/Service Director
(B) <i>Residential</i>	
One and two family dwelling.	2 for each dwelling unit
Dwellings with more than two families.	4 plus 1½ spaces for each dwelling unit in excess of 2.
Rooming houses.	1 for each sleeping room or 1 for each paying occupant, whichever is greater.
(C) <i>Public and Institutional</i>	
Administrative offices of government.	1 for each 200 sq. ft. of floor area
Schools, elementary and junior high.	1 for each 10 classroom seats
Schools, high school and University.	1 for each 5 classroom seats Or 1 for each 5 seats in an auditorium, stadium or gymnasium, whichever is greater.
Places of worship.	1 for each 5 seats in sanctuary.
Hospitals.	1½ for each bed.
Libraries, museums, art Galleries	1 for each 400 sq. ft. floor area

TYPE OF USE

NUMBER OF SPACES

(D) *Amusements and Assembly*
Sports arenas and stadiums
auditoriums, theaters and

places of assembly with
fixed seats.

1 for each 5 seats.

Game halls, dance halls,
lodge halls, exhibition
halls, skating rinks,
swimming pools and places
of assembly without fixed
seats.

1 for each 100 sq. ft of floor
area used for the purpose listed.

Bowling Alleys.

5 for each alley.

(E) *Services*

Funeral homes, mortuaries.

1 for each 75 sq. ft. of floor area devoted to parlors.

Medical and dental offices and clinics.

1 for each 100 sq. ft. of floor area.

Sanitariums, convalescent
homes, homes for the aged
and children.

1 for each 4 beds.

Barber shops and beauty parlors

3 per operator.

Hotels, motels and tourist homes.

1 for each living or sleeping unit.

Laundry and dry cleaning pickup

1 for each 100 sq. ft. of floor area

Banks.

1 for each 100 sq. ft. of floor area.

Business and professional offices

1 for each 200 sq. ft. of floor area

Restaurants, of following types.

Indoor service only.

1 for each 100 sq. ft. of floor area

Including curb service.

1 for each 100 sq. ft. of floor area in addition to
curb service stalls provided.

Providing primarily
carry-out service.

1 for each 30 sq. ft. of floor area..

Bars, taverns and night clubs.

1 for each 100 sq. ft. of floor area.

(F) *Retail Sales*

TYPE OF USE

NUMBER OF SPACES

Furniture and household appliance stores and repair shops.

First 1,800 sq. ft. of floor area – 3 spaces – Any additional floor space – 1 space for each 400 sq. ft.

Retail stores and shops not elsewhere specified, including general merchandise.

First 1,500 sq. ft. of floor area – 3 spaces. Any additional floor space – 1 space for each 150 sq. ft.

(G) General Commercial and Industrial

Automobile or machinery sales and service garage.

1 for each 800 sq. ft. of floor area.

Wholesale establishments and warehouses.

1 for each 3,000 sq. ft. of floor area or 1 for each 2 Employees on maximum shift, whichever is greater.

Commercial Service Laboratories, machine shops and similar establishments.

1 for each 600 sq. ft. of floor area or 1 for each 2 employees on maximum shift whichever is greater.

Manufacturing plants.

1 for each 1,200 sq. ft. of floor area or 1 for each 3 employees on maximum shift, whichever is greater.

(Ord. 1969-182, passed 1-12-70)

§ 1153.033 APPLICATION OF SCHEDULE.

(A) *Floor area defined.* For the purposes of applying the requirements divisions (C) through (G) of § 1153.032, floor area shall mean the gross floor area used or intended to be used by tenants, or for services to the public or customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or restrooms, for utilities or for dressing rooms, fitting or alteration rooms.

(B) *Housing for the elderly.* In the case of a dwelling or dwelling group constructed solely for housing for the elderly and limited to such use by legally binding agreements or other documents, the required off-street parking spaces may be reduced to one space for every two dwelling units. (Ord. 2005-41, passed 06-27-2005)

(C) *Expansion of or changes in existing use.* A building existing lawfully at the time this zoning code became effective, but which does not conform with the off-street parking requirements in § 1153.032, may be occupied by the existing use without such facilities being made available. However, any parking spaces that may be provided shall be in accord with the development standards set forth in § 1153.034 hereof and, if the existing building is altered so that there is an increase in the number of dwelling units, seating capacity or floor area, or if the use is changed to a use requiring more off-street parking spaces, then off-street parking facilities shall be provided at least equally to the number of spaces required for the entire building or use in accord with the schedule as set forth in § 1153.032 hereof and in accord with the development standards of § 1153.034.

(Ord. 1969-182, passed 1-12-70)

§ 1153.034 DEVELOPMENT STANDARDS FOR OFF-STREET PARKING SPACE.

(A) Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required for several uses may be provided contiguous and in common to the several structures and uses served.

(B) Parking areas may be located in any required yard except as follows:

(1) In the required front yard in a Residential District residences may have parking on a driveway in a front yard. Driveways may not exceed 30% of the area of a front yard, except a straight drive, not exceeding 16 feet in width, shall be permitted even if the area of the drive would exceed 30% of the front yard area. No automobiles, recreation vehicles, tractors, boats, campers, trailers, etc., shall be parked in the front yard off of the permitted driveway.

(2) In a required front yard in any Nonresidential District adjoining a Residential District, as defined in § 1151.062(B).

(C) The design of parking spaces shall comply with the minimum requirements of the following schedule:

<i>Width of Parking Space (Feet)</i>	<i>Length of Parking Space (Feet)</i>	<i>Unobstructed Backing Distance for Vehicle (Feet)</i>
9	20	24
10	20	22
11	20	20
Greater than 11	20	20

(D) *Access.* There shall be adequate provision for ingress to and egress from parking spaces. Where a parking area does not abut on a public street or alley, there shall be provided an access drive not less than eight feet in width in the case of a dwelling and not less than 18 feet in width in all other cases, providing satisfactory access to the parking area required herein. Except where provided in connection with use permitted in a residential district such access drive shall not be located in any residential district.

(E) *Screening and landscaping.* Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district, by a solid fence, wall or hedge, which shall be approximately five feet in height unless located in a required front yard in which case it shall be approximately 3½ feet in height and shall be maintained in good condition without any advertising thereon.

(F) For every parking area having more than five spaces, a plan shall be submitted to the Safety/Service Director showing that such parking area will comply with the foregoing requirements and with the requirements of the municipality as to surfacing and drainage. (Ord. 1969-182, passed 1-12-70)

§ 1153.04 RESTRICTED COMMERCIAL OR INDUSTRIAL ACCESSORY PARKING AREAS.

The Board of Appeals may authorize, as a conditional use, subject to the provisions of Title Ten, the establishment and operation of an off-street parking area for 25 or more automobiles in such part of any residential district that abuts at least 50 feet, either directly or across an alley, street, a commercial or industrial district, subject to the following conditions and requirements:

(A) The parking lot shall be accessory to and for use in connection with one or more business or industrial establishments located in an adjoining commercial or industrial district.

(B) Each entrance to and exit from such parking lot shall be at least 25 feet distance from the lot line of any lot located in any residential district.

(C) The parking lot shall be subject to all the applicable requirements of § 1153.034, and any additional conditions or requirements with respect to development, maintenance and operation which the Board deems necessary or desirable for the protection of adjacent property or the public interest. Parking will be prohibited in the first ten feet of the front and/or side street, side yard of the property.

(D) No sign of any kind, other than designating entrances, exits, and conditions of use, shall be maintained in such parking lot.

(E) Such parking lot shall be used for parking only, and shall not be devoted to any other use.

(F) No charge shall be made for parking in such parking lot.

(G) Any person, firm or corporation desiring to secure permission to construct and maintain a restricted commercial or industrial accessory parking lot under the provision of this division shall make application to the Board of Appeals, which application shall be accompanied by the following:

(1) A plan which clearly indicates that the proposed development conforms with the foregoing requirements, including the location, size, shape, design, landscaping, curb cuts and other features and appurtenances of the parking lot.

(2) The names and addresses of all the owners of all properties located in a residential district as follows:

(a) Within the same block as the proposed parking lot.

(b) In any adjoining block within a distance of 200 feet from the proposed parking lot.

(H) Before granting a permit for any accessory parking lot, the Board of Appeals shall hold a hearing thereon, as provided in Title Ten, notice of which shall be given to the owners of properties as set forth in division (G)(2). (Ord. 1969-182, passed 1-12-70)

CHAPTER 1154: UNIFORM SINGLE-FAMILY HOME REGULATIONS

Section

1154.01 Uniform-Single-Family Home Regulations

Minimum Single-Family Dwelling Unit Requirements

All single-family dwelling units must meet the following requirements which shall be construed to be the minimum building requirements.

1. Minimum building width of 22 feet at the narrowest point, exclusive of breezeways, porches, terraces and garages or attachments.
2. Minimum building length of 22 feet at the narrowest point, exclusive of breezeways, porches, terraces and garages or attachments.

3.a. The minimum floor area for a single-family dwelling unit shall be 900 square feet.

- a.1. The aforementioned minimum may be reduced foot for foot to no lower than 700 square feet for each square foot of a basement or an attached garage space constructed and completed at the same time as the principal structure.

OR

- a.2. The aforementioned minimum may be reduced one foot of dwelling space to no lower than 700 square feet of the dwelling for every two square foot of detached garage space constructed and completed at the same time as the principal structure.

4. All single-family dwelling units must be affixed to a permanent foundation and connected to appropriate utilities (water, sewer, electric, etc.). In the case of a manufactured home or industrialized unit, a full masonry foundation will be constructed around the entire perimeter of the unit. No skirting, siding or other materials will be permitted.

5. In the case of a manufactured home, the unit must have a manufacture date of January 1, 1995 or later.

Mobile or manufactured homes constructed prior to January 1, 1995 shall only be permitted within mobile or manufactured home parks.

6. All single-family dwelling units must have a minimum 3:12 residential roof pitch (HUD approved for manufactured homes), conventional residential siding, and six inch minimum eave overhang including appropriate guttering.

7. All single-family dwelling units shall have a functioning hinged door no less than 36" in width and 6'8" in height which shall face the primary address street.

All single-family dwelling units shall have a minimum of one functioning window facing the primary address street. The window shall meet the following requirements:

1. Minimum surface area of 5.7 square feet.
2. Minimum operable sash width of 20".

3. Minimum operable sash height of 24".

Replace existing Mobile Home definition and delete existing Modular Home definition, now reading in relevant part:

Mobile Home. Any vehicle manufactured as a single-family dwelling, comprised of one or more units, excluding recreational vehicles, which has been designed and manufactured for transportation on the public streets and highways on its own wheels, arriving at the site ready for occupancy as a dwelling except for normal unpacking, assembly operations and connections to utilities. This definition shall not include a modular home, or an industrialized unit as defined in R.C. § 3781.10.

Modular Home. A structure comprised of one or more self-sufficient units, except site preparations, transported on a vehicle from the place of manufacture to a site where it is to be occupied as a dwelling. This definition shall not include a mobile home which has been designed and manufactured for transportation on public streets and highways, on its own wheels and axles.

New definitions are as follows:

Industrialized unit means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined in ORC Section 3781.06 (C) (4) or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

Manufactured home means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Mobile home means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

A **permanent foundation** for a single-family home, industrialized unit, or manufactured home means a permanent masonry or concrete footing and foundation around the entire perimeter of the unit. In addition to the requirement above, a manufactured home must be placed on a footing or foundation approved by the Manufactured Homes Commission pursuant to Chapter 4781, of the Revised Code, to which a manufactured home may be affixed. (Ord. 2008-56, passed 10-27-2008)

CHAPTER 1155: TRANSITIONAL USES IN RESIDENTIAL DISTRICTS

Section

1155.01 Transitional uses in residential districts

§ 1155.01 TRANSITIONAL USES IN RESIDENTIAL DISTRICTS.

In any R-1 or R-2 Residential District a transitional use shall be permitted on a lot, the side lot line of which adjoins, either directly or across an alley, any commercial or industrial district. The permitted transitional uses and development standards for any such lot in an R-1 District shall be those applicable in the R-2 District; the permitted transitional uses for any such lot in an R-2 District shall be those applicable in the R-3 District; any transitional use authorized under this section shall not extend more than 100 feet from the side lot lines of the lot abutting on the zoning district boundary line. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1157: CONVERSION OF EXISTING DWELLINGS

Section

1157.01 Conversion of existing dwellings

§ 1157.01 CONVERSION OF EXISTING DWELLINGS.

The conversion of any building into a dwelling, or the conversion of a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this zoning code, and only when the resulting occupancy will comply with the development standards governing new construction in such district. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1159: ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS

Section

1159.01 Accessory structures in residential districts

§ 1159.01 ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS.

(A) An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard. Any accessory building not in a rear yard shall be integral or connected with the principal building and shall be so placed as to meet all yard requirements for a principal building.

(B) If located in a rear yard, an accessory building integral with the principal building shall also be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following sections:

(1) The height of such accessory buildings shall not exceed 15 feet and the distance of such buildings from other separate buildings on the same lot shall be at least six feet, except that a breezeway, at least six feet in length, may connect an accessory building with a principal building.

(2) The height of all accessory fences, walls or hedges shall comply with the requirements of § 1151.065(D).

(3) No accessory building in a rear yard shall be less than three feet from an interior side or rear lot line and no less than ten feet from a side or rear lot line which adjoins a dedicated public alley.

(4) Coverage of a rear yard by accessory buildings shall not exceed 25%. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1161: SIGNS

Section

1161.01	General provisions
1161.011	Signs near Residential, Office-Institutional and Office-Institutional-Apartment districts
1161.012	Traffic hazards
1161.013	Exempted signs
1161.014	Prohibited signs
1161.015	Nonconformance
1161.016	Sign responsibility, maintenance and removal
1161.017	Permits and fees
1161.02	Accessory signs
1161.021	Types of accessory signs
1161.022	Schedules of standards for accessory signs
1161.022(A)	Standards for accessory signs in residential districts
1161.022(B)	Standards for accessory signs in O-I Office and Institutional and O-I-A Office-Institutional-Apartment Districts
1161.022 (C-1)	Maximum areas of identification signs in commercial districts
1161.022(C)	Standards for accessory signs in commercial districts
1161.022(D)	Standards for accessory signs in industrial districts
1161.023	Maximum number of accessory signs
1161.024	Maximum area of accessory signs
1161.025	Location of accessory signs
1161.026	Maximum height of accessory signs
1161.027	Illumination
1161.03	Temporary nonaccessory signs
1161.031	Maximum area of sign
1161.032	Location
1161.033	Illumination
1161.034	Temporary signs placed on advertising structures
1161.035	Trailer-mounted mobile signs
1161.04	Advertising signs
1161.041	General provisions
1161.042	Standards for advertising signs

§ 1161.01 GENERAL PROVISIONS.

(A) Signs of all types as defined in Chapter 1123 shall comply with the regulations set forth in this chapter.

(B) In addition to the standards and requirements set forth in §§ 1161.02, 1161.03, and 1161.04 for the several classes of signs, the following provisions shall apply to all signs.
(Ord. 1969-182, passed 1-12-70)

§ 1161.011 SIGNS NEAR RESIDENTIAL, OFFICE-INSTITUTIONAL AND OFFICE-INSTITUTIONAL APARTMENT DISTRICTS.

Any sign located in a C or I District within 100 feet of any R, O-I, or O-I-A District shall comply with the following requirements:

(A) Shall not be located in such a manner as to be viewed primarily from R, O-I, or O-I-A zoned property or from any part of a street or alley which is within an R, O-I, or O-I-A District. Any sign the face of which is parallel with a street property line and lies for its entire width opposite a C or I District shall be deemed not to be viewed primarily from an R, O-I, or O-I-A District.

(B) Shall not be located in or project into the street right-of-way.

(C) Shall not include pennants, banners, streamers or similar type device, temporary or permanent.

(D) Shall not include spinning devices or strings of spinning devices, projecting spikes, wands or similar devices.

(E) Shall include not flashing device which produces objectionable changes in light intensity or color noticeable from within the adjoining R, O-I, or O-I-A Districts. (Ord. 1969-182, passed 1-12-70)

§ 1161.012 TRAFFIC HAZARDS.

No sign shall be erected in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "Stop", "look", "danger", or other word, phrase or symbol in such manner as to interfere with, mislead or confuse motorists or pedestrians. Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic. No rotating beam, beacon, or flashing illumination resembling an official traffic control or emergency light shall be used in connection with any sign display, nor shall any illuminated device designed to attract attention of users of the street be permitted unless it is an integral and functional part of the sign as herein defined.

(A) No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any street and traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection upon private property adjacent to streets or signs giving useful directional information and of a type that cannot be mistaken for traffic control devices.

(B) Every such prohibited sign, signal, marking or device is a public nuisance, and the police department is authorized to remove the same or cause it to be removed. (R.C. § 4511.16)
(Ord. 1969-182, passed 1-12-70; Am. Ord. 1993-87, passed 8-9-93) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Unauthorized signs or signals, see § 313.07

§ 1161.013 EXEMPTED SIGNS.

The following signs are not subject to the provisions of this chapter:

(A) Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of safety.

(B) Flags, emblems and insignia of any governmental agency.

(C) Commemorative plaques placed by recognized historical agencies.

(D) Signs within a stadium, open-air theater, shopping center, arena or other use which signs can be viewed

only by persons within such stadium, open-air theater, shopping center, arena or other use.

(E) Directional signs to emergency services and law enforcement agencies may be erected in the public right-of-way. Such signs shall only be erected after approval of the Board of Zoning Appeals. In granting approval, the Board of Zoning Appeals shall follow the procedure provided for in original jurisdiction applications. The size, type, number and location of such signs shall be determined by the Board of Zoning Appeals, giving consideration to the general provisions as set forth in §1161.011 and §1161.012.

(F) Street banners for civic and charitable organizations hung across public streets in the public right-of-way as approved by the Safety/Service Director. The size, type, locations, length of display, content and locations of such signs shall be determined by the Director. This section does not include banners for party-affiliated/individual or group partisan political purposes or for the intent to promote religion or commercial promotions, which are not permissible. A fee of \$50 per banner will be made payable to the municipality and deposited in the S.C.M.R. fund. (Ord. 1969-182, passed 1-12-70)

§ 1161.014 PROHIBITED SIGNS.

No signs shall be attached or otherwise applied to trees, bus shelters, utility poles, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way except as specifically permitted by this chapter, provided that a bus shelter, trash receptacle or newspaper vending machine may have an identification sign. (Ord. 1969-182, passed 1-12-70)

§ 1161.015 NONCONFORMANCE.

(A) *General provisions.* Any sign erected prior to the enactment of this zoning code and not conforming with the provisions of this chapter shall be deemed to be nonconforming. Nothing herein shall prohibit the posting or maintaining in safe condition of any such nonconforming sign.

(B) *Advertising signs.* Any advertising sign which is nonconforming as a principal use in the district in which it is located shall be subject to the provisions for such principal uses in Chapter 1125.

(C) *Accessory signs for nonconforming uses.* Any use which is nonconforming in the district in which it is located shall be permitted one square foot of accessory sign area for each 250 square feet of lot area. In all other respects except area, such accessory sign or signs shall conform with the schedule of standards set forth in § 1161.02 for the district in which it is located.

(D) *Accessory signs not in conformance with § 1161.02.* Any nonconforming accessory sign which is altered, relocated, removed, or damaged to more than ½ of its replacement value shall not be reinstalled, repaired or replaced unless it is made to comply with the provisions of this chapter. (Ord. 1969-182, passed 1-12-70)

§ 1161.016 SIGN RESPONSIBILITY, MAINTENANCE AND REMOVAL.

(A) *Owners responsibility.*

(1) The owner of any sign and the owner of the premises on which it is located shall be responsible for keeping it in repair and in proper state of preservation.

(2) The owner of any sign and the owner of the premises on which it is located shall be responsible for the removal of such sign if and when it is abandoned or becomes no longer functional. Such removal shall include the complete blocking out of painted wall signs. Such removal shall be carried out within a period of time as follows:

- (a) Permanent signs: 30 days.
- (b) Temporary signs: 14 days.

(B) *Enforcement.* In the case of noncompliance with the provisions of division (A)(1) and (A)(2) of this section, the Safety/Service Director shall notify, in writing, the owner of the abandoned or nonfunctional sign in question and the owner of the premises on which such sign is located or, at his/her option, such notice may be given to either one of them ordering the removal of such sign. If such order is not complied with within 30 days after the date of such order, the Safety/Service Director shall remove such sign at the expense of the owner of the real estate. (Ord. 1969-182, passed 1-12-70)

§ 1161.017 PERMITS AND FEES.

Permits shall be required for the installation of all signs except temporary signs. For the installation of all permanent signs, fees shall be required in accordance with § 1183.013. (Ord. 1969-182, passed 1-12-70)

§ 1161.02 ACCESSORY SIGNS.

Accessory signs, as defined in Chapter 1123, shall be subject to the standards and requirements of this section. (Ord. 1969-182, passed 1-12-70)

§ 1161.021 TYPES OF ACCESSORY SIGNS.

The types of accessory signs permitted shall be those defined in Chapter 1123. As referred to in this section, such signs shall be classified as follows:

- (A) Functional types, relating to their purpose.
- (B) Structural types, relating to their type of construction and/or location on the property.
- (C) Other characteristics, relating to illumination, movement or flashing character. (Ord. 1969-182, passed 1-12-70)

§ 1161.022 SCHEDULES OF STANDARDS FOR ACCESSORY SIGNS.

The standards for accessory signs are set forth in the accompanying schedules, identified by use district as follows:

- (A) Standards for Accessory Signs in Residential District.
- (B) Standards for Accessory Signs in O-I Office-Institutional and O-I-A Office-Institutional-Apartment Districts.
- (C) Standards for Accessory Signs in Commercial Districts.
- (D) Standards for Accessory Signs in Industrial Districts.

[§ 1161.022(A) begins on following page.]

SCHEDULE 1161.022(A)

STANDARDS FOR ACCESSORY SIGNS IN RESIDENTIAL DISTRICTS

USES BY FUNCTIONAL TYPE OF SIGN PERMITTED	Maximum Number of Signs Per Frontage	Max. Area (Sq. Ft.)		Location and Structural Type Permitted			Other Charact. Permitted Illuminated (Subject to § 1161.027-B)
		Per Face	Total	Wall	Projec ting	Free Standing	
IDENTIFICATION SIGNS:							
Home occupations, nursery schools, day nurseries, rooming, boarding and lodging houses	1	2	2	X			X
Town houses, multi-family dwellings, apartment hotels, group housing developments	1	See Schedule 1161.024(A)		X	X	X	X
Public and parochial schools, churches, public buildings of a cultural, administrative or public service type, parks, recreation centers, cemeteries, hospitals and sanitariums	1	20	40	X	X	X	X
Convalescent homes, rest homes, homes for the aged, private clubs, lodges, fraternity and sorority houses, business, professional and industrial offices	1	10	10	X			X
Tourist homes, restricted accessory parking areas	1	4	8	X	X	X	X
Utility substations	1	4	4	X			X
BULLETIN BOARDS	1	20	40	X	X	X	X
TEMPORARY SIGNS:							
(1) <i>Real Estate:</i> (a) Advertising single properties in an established residential area	1	6	12	X	X	X	
(b) Advertising lots in a new	1	10 sq.ft. per lot,				X	X

SCHEDULE 1161.022(A)

STANDARDS FOR ACCESSORY SIGNS IN RESIDENTIAL DISTRICTS

USES BY FUNCTIONAL TYPE OF SIGN PERMITTED	Maximum Number of Signs Per Frontage	Max. Area (Sq. Ft.)		Location and Structural Type Permitted			Other Charact. Permitted Illuminated (Subject to § 1161.027-B)
		Per Face	Total	Wall	Projec ting	Free Standing	
subdivision		but no sign on any frontage larger than 200 sq. ft.					
(c) Advertising dwellings in a new subdivision	1	10 sq.ft. per dwelling offered at one time for sale or lease by one developer, but no sign on any frontage larger than 200 sq. ft.		X	X	X	X
(d) Advertising dwelling units in a new multi-family dwelling or group housing development	1	4 sq.ft. per dwelling unit, but no sign on any frontage larger		X	X	X	X

SCHEDULE 1161.022(A)

STANDARDS FOR ACCESSORY SIGNS IN RESIDENTIAL DISTRICTS

USES BY FUNCTIONAL TYPE OF SIGN PERMITTED	Maximum Number of Signs Per Frontage	Max. Area (Sq. Ft.)		Location and Structural Type Permitted			Other Charact. Permitted Illuminated (Subject to § 1161.027-B)
		Per Face	Total	Wall	Proje cting	Free Standi ng	
(e) Advertising a model dwelling located in a new subdivision	1	32	64	X	X	X	X
(f) Advertising an "open house", subject also to § 1161.025(E)(2)	1	6	12	X	X	X	X
(2) <i>Construction</i> (per contractor)	1	4	8	X	X	X	X
(3) <i>Other Temporary Signs</i>	None permitted in Residential Districts except open house signs in new developments, as provided for in § 1161.025(B)(2).						
DIRECTIONAL SIGNS	As needed	1	2	Where need is demonstrated.			

* The letter X indicates that a sign having the structural type or other characteristic indicated by the column heading, is permitted for the use or functional sign type given on the same line.

SCHEDULE 1161.022(B)

O-I OFFICE AND INSTITUTIONAL AND O-I-A OFFICE-INSTITUTIONAL-APARTMENT DISTRICTS

For all permitted uses which are also permitted in any Residential District, the regulation of signs shall be the same as those set forth hereinbefore in Schedule 1161.022(A) for such Residential Districts, except as may be otherwise set forth hereunder.

<i>USES BY FUNCTIONAL TYPE OF SIGN PERMITTED</i>	<i>Maximum Number of Signs Per Frontage</i>	<i>Max. Area (Sq. Ft.)</i>		<i>Location and Structural Type Permitted</i>			<i>Other Charact. Permitted Illuminated</i>
		<i>Per Face</i>	<i>Total</i>	<i>Wall</i>	<i>Proje cting</i>	<i>Free Stand ing</i>	
<i>IDENTIFICATION SIGNS:</i>							
Office buildings occupied by administrative, business or professional offices	1	See Schedule 1161.024(B)(1)		X	X	X	X
Colleges and universities, professional schools, junior colleges, normal schools, elementary and secondary schools	See Schedule 1161.024(B)(2)			X	X	X	X
All other permitted nonresidential uses	1	16	32	X	X	X	X
<i>BULLETIN BOARDS:</i>							
Colleges and universities, professional schools, junior colleges, normal schools, elementary and secondary schools	See Schedule 1161.024(B)(2)			X	X	X	X

SCHEDULE 1161.022(B)

O-I OFFICE AND INSTITUTIONAL AND O-I-A OFFICE-INSTITUTIONAL-APARTMENT DISTRICTS

For all permitted uses which are also permitted in any Residential District, the regulation of signs shall be the same as those set forth hereinbefore in Schedule 1161.022(A) for such Residential Districts, except as may be otherwise set forth hereunder.

<i>USES BY FUNCTIONAL TYPE OF SIGN PERMITTED</i>	<i>Maximum Number of Signs Per Frontage</i>	<i>Max. Area (Sq. Ft.)</i>		<i>Location and Structural Type Permitted</i>			<i>Other Charact. Permitted Illuminated</i>
		<i>Per Face</i>	<i>Total</i>	<i>Wall</i>	<i>Projecting</i>	<i>Free Standing</i>	
Other uses for which bulletin boards are permitted	1	20	40	X	X	X	X
<i>TEMPORARY SIGNS</i>	As regulated in Residential Districts						
<i>DIRECTIONAL SIGNS</i>	As regulated in Residential Districts						
* The letter X indicates that a sign having the structural type or other characteristic indicated by the column heading, is permitted for the use or functional sign type given on the same line.							

(Ord. 1969-182, passed 1-12-70)

§ 1161.022(C-1) MAXIMUM AREA OF IDENTIFICATION SIGNS IN COMMERCIAL DISTRICTS.

Except for service stations, the total sign area for any separate establishment, located within or outside of a shopping center, and the total sign area for a shopping center itself, shall be no more on all faces than four square feet per linear foot of frontage on all abutting streets, but not more facing each abutting street for each establishment or shopping center than listed hereunder for each district. For the purpose of sign location and area calculation, any property line abutting an alley or an off street parking facility shall be included as frontage, provided the abutting property is in a commercial or industrial district. For each establishment in a shopping center, the length of the abutting access roadway shall represent the frontage for such establishment.

USE OR TYPE OF ESTABLISHMENT	Maximum Square Feet of Sign Area in Commercial Districts				
	C-1	C-2	C-3	C-4	C-5
Commercial and Noncommercial Uses Except Service Stations:					
(1) Separate establishments fronting on street	200	600	600	600	600

USE OR TYPE OF ESTABLISHMENT	Maximum Square Feet of Sign Area in Commercial Districts				
	C-1	C-2	C-3	C-4	C-5
(2) Planned shopping centers with two or more establishments:					
(a) Signs identifying	400	800	800	800	800
(b) Signs identifying each establishment within a shopping center not fronting on a street, but visible from a residential district and within 500 feet thereof	200	600	600	600	600
Service Stations	See Schedule 1161.022(C)(2)				

[Schedule 1161.022(C) begins on following page.]

§ 1161.023 MAXIMUM NUMBER OF ACCESSORY SIGNS.

Where not specified in the accompanying schedules as listed in § 1161.022, the maximum number of accessory signs shall be as follows:

(A) *In Residential, Office-Institutional and Office-Institutional-Apartments Districts.* The maximum number of signs of each functional type shall be as indicated in the column titled Maximum Number of Signs per Frontage in Schedules 1161.022(A) and (B), irrespective of structural type permitted.

(B) *In Commercial and Industrial Districts.*

(1) Identification signs for all uses except service stations shall be permitted by structural types as follows:

(a) Projecting, free-standing or roof signs: Only one such sign shall be permitted for each frontage, which sign may be either projecting, free standing or roof type.

(b) Wall signs: No maximum number, provided the total area of wall signs complies with the provisions therefore;

(c) Awning, canopy or marquee signs: No maximum number provided the total area of such signs complies with the provisions therefore.

(2) Identification signs for service stations and for all other functional types of signs shall be limited as to maximum number as indicated in the column entitled Maximum Number of Signs per Frontage in Schedules 1161.022(C) and (D), irrespective of structural type permitted. (Ord. 1969-182, passed 1-12-70)

§ 1161.024 MAXIMUM AREA OF ACCESSORY SIGNS.

Where not specified in the accompanying schedules as listed in § 1161.022, the maximum area of accessory signs shall be as follows:

(A) *In Residential Districts.* For town houses, multi-family dwellings, apartment hotels and group housing developments, the total area of all identification signs shall be one square foot per face for each dwelling unit, provided that, in any case, no sign shall exceed 32 square feet per face and the total area of each sign shall not exceed 64 square feet.

(B) *In O-I and O-I-A Districts.*

(1) Office buildings occupied by administrative, business or professional offices may have identification signs totaling no more than four square feet of sign area on all faces for each linear foot of frontage on all abutting streets, but the total area of a sign facing any abutting street shall not exceed 200 square feet.

(2) Colleges and universities, professional schools, junior colleges and normal schools, elementary or secondary schools.

(a) Major identification signs identifying a campus or school site may have a total of no more than two square feet of sign area on all faces for each linear foot of frontage on all abutting streets, but the total area of all signs facing any abutting street shall not exceed 400 square feet. The number of identification signs facing any street may be equal to but not more than the number of vehicular entrances from such street.

(b) Secondary identification signs identifying buildings or other student or public facilities and bulletin boards, any of which face a public street, shall not exceed 64 square feet per sign.

(c) Identification signs and bulletin boards for noncommercial stadiums, arenas and athletic fields shall not exceed 300 square feet in area on all faces. (Ord. 1969-182, passed 1-12-70)

§ 1161.025 LOCATION OF ACCESSORY SIGNS.

When not specified in the accompanying schedules as listed in § 1161.022, the location of all accessory signs shall be as follows:

(A) No part of any accessory sign may project beyond the property line except in the C-3 Central Core Business District, where signs may project into the street right-of-way as follows:

(1) Projecting signs may extend into a street right-of-way no more than three feet and the bottom thereof shall be no less than ten feet above the grade of the sidewalk beneath it.

(2) Awnings, canopies or marquees extending beyond the property line may have signs upon them, which shall be affixed flat to the surface thereof, unless extending vertically beneath such awning, canopy or marquee, complying with height limits of § 1161.026(E).

(3) Wall signs may project into a street right-of-way no more than 12 inches.

(B) No accessory sign shall be located within a required front yard except as follows:

(1) Bulletin boards and temporary, warning and directional signs, which shall be located no less than 12 feet from the street line if in a required front yard.

(2) Identification signs which are an integral part of a permitted gateway structure at the entrance to a subdivision, group housing development or industrial park.

(3) Free standing identification signs in shopping centers and service stations, complying with other requirements therefore.

(4) In any commercial district, one free standing identification sign may be located in the required front yard but no less than five feet from the right-of-way line or 12 feet from the street line, whichever is greater, provided that the maximum sign area for any such sign shall be no more than ½ the maximum sign area as permitted § 1161.022 C-1.

(C) Accessory signs near R, O-I, or O-I-A Districts shall comply with the requirements of § 1161.011.

(D) All accessory signs shall be located in conformance with the requirements of § 1161.012 as to traffic hazards.

(E) *Temporary accessory signs.*

(1) Temporary accessory signs shall be located on the premises to which they refer, except as follows:

(a) A real estate sign advertising dwellings in a new subdivision may be located on any one of the premises for sale or rent or on a lot adjoining any entrance to the subdivision in which all the dwellings for sale or rent are located, provided that, in any case, such sign shall comply with the locational requirements of § 1161.025(B)(1).

(b) A real estate sign advertising lots in a new subdivision may be located on any lot in the subdivision even though such lot or other lots in the subdivision have been sold.

(c) Change of address signs for a period of time not to exceed 60 days.

(2) Open house signs for a dwelling in a new subdivision or a dwelling unit in a new multi-family dwelling or group housing development may be permitted for a maximum period of 30 days as provided in item (1)(f) of Schedule 1161.022(A). In addition, such open house may be advertised with sign materials and devices as follows:

(a) Banners, pennants, streamers or posters located on the premises advertised.

(b) Directional signs, no greater than one square foot on each face, located in any yard on any lots within the same new subdivision as the dwelling being advertised.

(c) Three 24 × 24-inch signs, specifically open house signs, are permitted in the public right of way, further known as the tree lawn on weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

(3) Temporary signs shall be removed within 14 days after they have served their intended purpose.

(4) Each temporary sign shall have noted thereon the name and address of the person, firm or corporation responsible for posting the sign.

(F) *Other allowed temporary accessory signs.* Any sign, trailer mounted or conventional sign may be permitted as a temporary sign for 12 months under the following conditions:

(1) A permit must be obtained from the Zoning Inspector.

Fee - \$20

(2) The maximum area permitted shall be 40 sq. ft. size (per side).

(3) If it is a trailer mounted sign it must be removed from the trailer.

(4) The sign must meet the State of Ohio code for wiring.

(5) The sign must be set back at least 12 feet from the street or curb line and (for the few streets with wide right-of-ways) not be in the street right-of-way.

(6) The site must be in a C-1, C-2, C-3, C-4, or C-5 District and be an accessory sign to a use permitted on the same lot.

(7) The sign must be maintained in good condition. In the opinion of the Zoning Inspector including no missing letters, rust, peeling paint, crooked posts or frame, broken plastic, and the like.

(8) The sign must not block the view of any permanent business sign from another business. This to be judged by sight from within 300 feet of the temporary sign, from either direction, but only from the respective side of the street pavement which has traffic approaching the sign.

(9) Only one of these 12 month permit signs shall be allowed per business.

(10) The sign area when added to the permitted sign area of existing permanent signs, cannot exceed the total permanent allowed sign area under the zoning code.

(11) Any violation of the above sections, for example, moving the sign closer than allowed to the street, shall be grounds for immediate and permanent revocation of the permit. The violation shall be kept on file.

(12) All signs allowed under this chapter must be removed immediately following their permit expiration date.

(13) Any sign in place upon the effective date of this zoning code, must be brought into compliance with these requirements, including obtaining a permit within 30 days of the effective date of this zoning code.

(Ord. 1969-182, passed 1-12-70)

§ 1161.026 MAXIMUM HEIGHT OF ACCESSORY SIGNS.

The maximum height of accessory signs and the minimum vertical clearance beneath them shall be as set forth hereunder:

(A) *Wall signs.* No wall sign shall project above the top of the wall on which it is located.

(B) *Projecting signs.* No projecting sign shall extend above the top of the building on which it is mounted.

(C) *Free standing signs.* The maximum height of free standing signs in the several zoning districts shall be as follows:

(1) Residence districts shall not exceed the maximum permitted height of buildings in the district in which the sign is located.

(2) Office-Institutional and Office-Institutional-Apartment Districts shall not exceed the maximum permitted height of buildings.

(3) Commercial districts shall not exceed the maximum permitted height of building in the district in which the sign is located or the following maximum height in each district, whichever is greater:

C-1 District	30 ft.
C-2 District	40 ft.
C-3 District	70 ft.
C-4 District	40 ft.
C-5 District	30 ft.

(4) Industrial districts shall not exceed the maximum permitted height of buildings in the district in which the sign is located or the following maximum height in each district, whichever is greater:

I-1 District	40 ft.
I-2 District	65 ft.

Free standing signs located within 100 feet of the intersection of street curb lines shall have a minimum vertical clearance of 12 feet beneath them.

(D) Roof signs shall not exceed the maximum permitted height of buildings in the zoning district in which they are located and shall not exceed 25 feet higher than the roof of the building to which the sign is attached at the point of mounting.

(E) Awning, canopy or marquee signs shall not extend vertically above the limits of the awning, canopy or marquee to which attached. Such signs may extend vertically below such limits provided that there shall be a minimum vertical clearance of ten feet above the grade beneath them. (Ord. 1969-182, passed 1-12-70)

§ 1161.027 ILLUMINATION.

(A) Where illumination is permitted in any district, the source of light shall be shaded or concealed so as not to be a source of safety or health hazard. Illuminated signs shall conform with the limitations of § 1161.012 relating to traffic hazards.

(B) Where illuminated signs are permitted in residential districts, the source of light shall be wholly enclosed within the sign structure, behind any face of the sign, which face shall be of translucent material which totally obscures the light source. No flood lighted signs shall be permitted in any residential district. (Ord. 1969-182, passed 1-12-70)

§ 1161.03 TEMPORARY NONACCESSORY SIGNS.

The requirements of this section shall apply to all temporary signs which are neither accessory signs or advertising signs, including but not limited to political signs and signs posted for civic and charitable purposes. Such signs shall comply with all the general requirements of § 1161.01 and with all the applicable requirements of § 1161.02 for temporary accessory signs except as may be otherwise set forth hereunder. (Ord. 1969-182, passed 1-12-70)

§ 1161.031 MAXIMUM AREA OF SIGN.

There shall be no maximum area limitation on temporary accessory signs. (Ord. 1969-182, passed 1-12-70)

§ 1161.032 LOCATION.

(A) *Use districts where permitted.* Temporary nonaccessory signs shall be permitted in all zoning districts, but not on premises used for residential purposes.

(B) Temporary nonaccessory signs need not be located on the premises to which they refer.

(C) *Location on premises.*

(1) Shall not be located in a street right-of-way.

(2) May be located on a wall, in a window or in a required yard. If located in a yard in a residential district, such sign shall be not less than 12 feet from the street right-of-way. (Ord. 1969-182, passed 1-12-70)

§ 1161.033 ILLUMINATION.

Temporary nonaccessory signs shall not be illuminated in residential districts. (Ord. 1969-182, passed 1-12-70)

§ 1161.034 TEMPORARY SIGNS.

Temporary signs placed on advertising structures shall be deemed to be a part of such structure and shall not be subject to the provisions of this section. (Ord. 1969-182, passed 1-12-70)

§ 1161.035 TRAILER-MOUNTED MOBILE SIGNS.

Trailer-mounted mobile signs shall be permitted as follows:

(A) Such signs shall be permitted in commercial and industrial districts only.

(B) Only one sign shall be permitted at any one location and that shall be a 30 day limitation on the placement of any one sign.

(C) Such signs shall be set back a minimum of 20 feet from any intersection of any street and/or alley

right-of-way and in all other locations shall be set back a minimum of 12 feet from any public right-of-way line. (Ord. 1969-182, passed 1-12-70)

§ 1161.04 ADVERTISING SIGNS.

§ 1161.041 GENERAL PROVISIONS.

(A) An advertising sign shall be deemed to be a principal use, and shall comply with the use limitations and the yard and building height requirements for principal uses in the district in which it is to be located. In addition, any such sign shall comply with the requirements set forth in this section.

(B) Advertising signs shall comply with all the applicable requirements of § 1161.01 for all signs. (Ord. 1969-182, passed 1-12-70)

§ 1161.042 STANDARDS FOR ADVERTISING SIGNS.

The standards for the construction or installation of advertising signs shall be as set forth hereunder, in addition to requirements for all principal structures in the district in which the sign is located.

(A) *Number of signs.* There shall be no more than one sign (structure) on any lot having less than 200 feet of unbroken frontage on a single street. A lot having 200 feet or more of unbroken frontage on a single street may have two sign structures thereon.

(B) *Structural types permitted.* Provided they comply with all requirements therefor, advertising signs may be of the following structural type:

- (1) Free-standing signs.
- (2) Wall signs.
- (3) Roof signs in the C-3, C-4, and I-2 Districts only.

(C) *Area and dimensions.*

(1) The maximum total area of all faces of any sign structure shall be 1,000 square ft.

(2) *Maximum height.* In addition to the maximum building height limitations for principal uses in the district in which they are to be located, all advertising signs shall conform to the following height limits:

- (a) Free-standing signs: Thirty-five feet above the grade at the base of the sign.
- (b) Wall signs: No higher than two feet above the wall to which attached.

(c) Roof signs: Shall not exceed 25 feet higher than the roof of the building to which such sign is attached to the point of mounting.

(D) *Location of advertising signs.*

- (1) No part of any advertising sign shall project beyond the property line.
- (2) No advertising sign shall be located in or project into any yard required for a principal building in

the district in which it is located.

(3) Advertising signs located in C or I Districts and near any R, O-I, O-I-A Districts shall comply with the requirements of § 1161.011.

(4) All advertising signs shall be located in conformance with the requirements of § 1161.012 relating to traffic hazards.

(E) *Illumination.* Advertising signs may be illuminated, and any such illuminated sign shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming into adjacent lots or streets. (Ord. 1969-182, passed 1-12-70)

(F) Digital or Electronic Advertising Signs. Digital or electronic advertising signs shall not be permitted unless they comply with all the requirements above in Section 1161.04 (G) below, and one of the two exceptions listed below:

(1) The sign is within 1000 feet of US 23 in a commercial or industrial district and meets all of the requirements of the Ohio Department of Transportation (ODOT) for advertising signs or devices which shall be incorporated herein as if fully re-written.

(2) The sign is both within a C-3 Central Core Business District and the Downtown Design Review District and approved by the Downtown Design Review Board under Chapter 1185 Design Review Regulations.

(G)(1) Digital or Electronic Advertising Signs, irrespective of the previous requirements of Section 1161.042, must be erected at least 20 feet above the grade at the base of the sign and may go up to, but not exceed, 40 feet above the grade at the base of the sign. The sign dimensions shall not be greater than 12 feet high by 25 feet wide.

(G)(2) Digital or Electronic Advertising Signs shall, in addition to all other requirements as to signs, at a minimum, be required to have and use automatic dimming devices that adjust the brightness to the ambient light at all times day and night to prevent glare on surrounding properties, shall not have flashing words or drawings, and shall not have changeable advertisements or messages that last less than eight (8) seconds. Auditory effects, including music, shall not be permitted as a part of any billboard display. No sign shall incorporate the movement or the illusion of movement, Nor show a split screen message. Signs shall not contain symbols or words, or red, green or blue lights that resemble highway traffic signs or devices. No advertising display or device shall be illuminated by any rapid flashing, intermittent light or lights. Achieves a transition to another static image or message over a period of at least one second; Such advertising devices shall contain a default design that will freeze the device in one position if a malfunction occurs; All signs shall comply with Ohio Department of Transportation (ODOT) for advertising signs or devices which shall be incorporated herein as if fully re-written. (Ord. 2010-8, passed 04-12-2010)

CHAPTER 1163: OTHER SPECIAL USE REGULATIONS

Section

1163.01	Home occupations
1163.02	Automobile sales, services and repair drive-in establishments; commercial parking lots; parking areas serving commercial or industrial uses
1163.021	Uses listed in §§ 1163.022 through 1163.025
1163.022	Automobile service station
1163.023	Automobile repair garages and automobile sales establishments
1163.024	Commercial parking lots; parking areas serving commercial or industrial uses
1163.025	Drive-in and drive through establishments
1163.03	Private swimming pools
1163.04	Public utility substation
1163.041	Public utility substation in Residential Office-Institutional, Office-Apartment and commercial districts
1163.042	Utility substation in industrial district
1163.05	Automatic conveyor type car washes

§ 1163.01 HOME OCCUPATIONS.

In order to be permitted as an accessory use, a home occupation shall comply with the definition given in Chapter 1123. In addition, it shall comply with the following requirements:

- (1) There shall be no nonresident employees engaged in the home occupation.
- (2) No articles produced off the premises may be sold or stored.
- (3) No mechanical equipment shall be installed or used which is not commonly used for household purposes, except for office furniture, equipment and appliances customarily used in offices; provided that no such equipment or appliances shall be permitted which create excessive noise or interference with radio or television transmission or reception.
- (4) The space devoted to such home occupation may not exceed 25% of the gross floor area of the principal building or structure.
- (5) No goods shall be displayed, and there shall be no external evidence of the home occupation conducted on the premises except an identification sign complying with the requirements of § 1161.02.
(Ord. 1969-182, passed 1-12-70)

§ 1163.02 AUTOMOBILE SALES, SERVICES AND REPAIR; DRIVE-IN ESTABLISHMENTS; COMMERCIAL PARKING LOTS; PARKING AREAS SERVING COMMERCIAL OR INDUSTRIAL USES.

§ 1163.021 USES LISTED IN SECTION 1163.022 THROUGH 1163.025.

For all uses listed hereunder, the following requirements shall apply.

- (A) No such use shall have a vehicular entrance or exit within 200 feet of a school or playground located on the same block front in a Residential District.

(B) For any such use involving the open air parking, storage, display, sale or servicing automotive vehicles or involving drive-in or drive-through establishments the area devoted to such open air use shall comply with the following:

(1) All lighting for night use or for security shall be so arranged that no source of light will be directly visible from any lot in a Residential District.

(2) Surfacing and drainage shall be provided in the manner specified in § 1153.034 for off-street parking areas. (Ord. 1969-182, passed 1-12-70)

[§ 1163.022 begins on next page]

§ 1163.022 AUTOMOBILE SERVICE STATION.

Automobile service stations shall comply with the following requirements and limitations:

<i>Facility or Service</i>	<i>In any District, the Minimum Distance from line of a lot in a Residential District</i>	<i>Special Limitations in the C-1 District</i>
Vehicular Entrance or Exit	25 ft.	
Equipment for outdoor servicing of vehicles	25 ft. unless separated from residential district lot by a solid fence, wall or hedge approximately 5 ft. in height, unless located in a required front yard in which case it shall be approx. 3½ ft. in height and shall be maintained in good condition without any advertising thereon.	Limited to dispensing of fuel and oil and other service customarily incidental thereto, not including repairs specifically listed elsewhere hereunder.
Repair Service		
Tire changing and repair, brake adjustment and repair, lubrication, body washing, minor repair or adjustment	25 ft. unless within an enclosed building or separated from a residential district lot by a solid fence, wall or hedge approx. 5 ft. in height unless located in a required front yard in which case it shall be approx. 3½ ft. in height and shall be maintained in good condition without any advertising thereon.	Limited to service inside an enclosed building, except for tire changing and other minor or emergency service.
Motor or body repair, where permitted	Must be within an enclosed building.	Prohibited
Outdoor storage or display of goods	25 ft. unless separated from Residential District lot by a solid fence, wall or hedge, approx. 5 ft. in height unless located in a required front yard in which case it shall be approx. 3½ ft. in height and shall be maintained in good condition without any advertising thereon.	Prohibited

(Ord. 1969-182, passed 1-12-70; Am. Ord. 1971-78, passed 7-26-71)

§ 1163.023 AUTOMOBILE REPAIR GARAGES AND AUTOMOBILE SALES ESTABLISHMENT.

Automobile repair garages and automobile sales establishments, either indoors or outdoors, shall comply with the following requirements and limitations.

<i>Facility or Service of Lot in Residential District</i>	<i>Minimum Distance from Line</i>
Vehicular Entrance or Exit	25 ft.
Outdoor parking or display Of vehicles or other equipment	25ft unless separated from residential district lot by a solid fence wall or hedge approx. 5 ft. in height unless located in a required Front yard in which case it shall be approx. 3½ ft. in height and shall be maintained in good condition without any advertising thereon.
Servicing and repair of Vehicles	Limited to service inside an enclosed building except for tire tire changing and other minor or emergency service.

(Ord. 1969-182, passed 1-12-70)

§ 1163.024 COMMERCIAL PARKING LOTS; PARKING AREAS SERVING COMMERCIAL OR INDUSTRIAL USES.

All such parking lots having a capacity for 25 vehicles or more shall comply with the applicable requirements of § 1163.023 for automobile repair garages and sales establishments. Such requirements shall be in addition to the development standards for all parking lots set forth in § 1153.034.

(Ord. 1969-182, passed 1-12-70)

[§ 1163.025 begins on following page.]

§ 1163.025 DRIVE-IN AND DRIVE-THROUGH ESTABLISHMENTS.

Drive-in establishments including those identified as Drive-through, shall comply with the following requirements and limitations.

<i>Facility or Service</i>	<i>Minimum Distance from Line of a Lot in a Residential District</i>	<i>Amount of Space Required</i>
Vehicular entrance	25 feet	
Equipment or vehicle stall for dispensing service and all access driveway space	25 ft. unless separated from residential district lot by a solid fence, wall or hedge approximately 5 ft. in height, unless located in a required front yard in which case it shall be approx. 3½ ft. in height and shall be maintained in good condition without any advertising thereon.	
Driveway or other space on the lot for vehicles waiting for service at a drive-through establishment		Adequate to accommodate three or more vehicles for each drive-through window or lane

(Ord. 1969-182, passed 1-12-70)

§ 1163.03 PRIVATE SWIMMING POOLS.

No private swimming pool shall be allowed in any residential district except as an accessory use, and unless it complies with the following conditions and requirements:

(A) The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property on which it is located;

(B) It may not be closer than six feet to any lot on which it is located;

(C) The pool shall be completely enclosed by a wall or fence at least four feet in height and containing a locking gate.

(D) The pool, together with any structure related thereto, shall comply with the requirements for accessory structures set forth in Chapter 1159. (Ord. 1969-182, passed 1-12-70; Ord. 1996-44, passed 04-22-1996)

§ 1163.04 PUBLIC UTILITY SUBSTATION.

§ 1163.041 PUBLIC UTILITY SUBSTATION IN RESIDENTIAL, OFFICE-INSTITUTIONAL, OFFICE-APARTMENT AND COMMERCIAL DISTRICTS.

Where permitted in Residential, Office-Institutional, Office-Institutional-Apartment and Commercial Districts upon approval by the Board of Appeals, public utility substations shall comply with the following standards:

(A) No storage yard shall be permitted in connection therewith.

(B) No building or structure shall be permitted within 15 feet of any lot in any Residential, Office-Institutional, Office-Institutional-Apartment District.

(C) No building or structure shall be permitted within five feet of any other lot in any Commercial District.

(D) For a utility substation located in or adjacent to any Residential, Office-Institutional, or Office-Institutional-Apartment District, all buildings and structures shall be completely surrounded by an opaque wall or fence no less than ten feet in height, except that the Board of Appeals may waive the requirement for a wall or fence in the case of completely enclosed building which the Board finds to be in harmony with the character of the surrounding neighborhood. All parts of the lot outside such wall, fence or building, shall be suitably landscaped and properly maintained. (Ord. 1969-182, passed 1-12-70, Ord. 1996-44, passed 4-22-1996)

§ 1163.042 UTILITY SUBSTATION IN INDUSTRIAL DISTRICTS.

Utility substations located in industrial districts and not adjoining any other district shall not be subject to the foregoing standards, but shall comply with the development standards for other principal uses in such industrial districts. (Ord. 1969-182, passed 1-12-70)

§ 1163.05 AUTOMATIC CONVEYOR-TYPE CAR WASHES.

In order to be permitted in commercial and industrial zones all automatic conveyor-type car washes shall comply with the locational and development standards and use regulations of this section.

<i>Special Controls</i> <i>Subject</i>	<i>Requirement</i>
Building Height	As per district
Minimum lot area	35,000 sq. ft.
Minimum frontage	60 ft.
Minimum average width	100 ft.
Ratio of buildings to lot area	15% coverage of lot
Front yard set-back	60 ft.
Side yard set-back	20 ft., unless side lot line adjoins a dedicated public alley, in which case 8 ft. from the alley right-of-way shall be the minimum requirement.
Rear yard set-back	70 ft.
vehicular entrance and exit	
- minimum distance from residential lot line	25 ft.
- two lanes two-way	24 ft. width
- one lane one-way	12 ft. width
Off-street parking	
- number of spaces	One for each employee
- standards	As per Ch. 1153
Loading space	As per Ch. 1153

Screening, lighting and drainage	Equal to parking areas
Accessory activities	As per district
Stacking lanes	Waiting cars only
- minimum width of each	10 ft.
- two or more	Dividers
- length of:	
wash line 80 ft. or less	200 minimum
wash line longer than 80 ft.	200 ft. plus 20 ft. for each additional 10 ft. of wash line
Odor, noise, sanitation, special hazards, dust and smoke emissions and pedestrian and vehicular controls. (Ord. 1969-182, passed 1-12-70)	Sufficient so as not to create public nuisance

TITLE TEN - BOARD OF ZONING APPEALS

- Chapter 1165 Establishment
 - Chapter 1167 General Procedure and Regulations
 - Chapter 1169 Applications and Appeals: Procedures
 - Chapter 1171 Powers of the Board
 - Chapter 1173 Expiration of Permits for Exceptions, Conditional Uses and Variances
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CHAPTER 1165: ESTABLISHMENT

Section

- 1165.01 Board of Zoning Appeals
- 1165.02 Secretary of Board

§ 1165.01 BOARD OF ZONING APPEALS.

(A) A Board of Zoning Appeals is hereby created and established. Such Board shall consist of seven persons, all of whom shall be residents of the municipality. Six of such members shall be appointed by wards and the seventh member, designated a member at large, shall be appointed from the municipality at large. The members of such Board shall be appointed by the Mayor and shall serve for terms of three years, except that of the members first appointed, two of the ward members shall be appointed for a term of one year, and two of the ward members shall be appointed for a term of two years. Members of the Board shall serve without pay.

(B) Vacancies in the Board, occurring otherwise than by expiration of term, shall be for the unexpired term and shall be filled in the same manner as original appointments. Such Board shall have the duties and powers provided for by law for zoning boards of appeal and such additional powers as are set forth in this ordinance and any amendments thereto. (Ord. 1969-182, passed 1-12-70)

§ 1165.02 SECRETARY OF BOARD.

The Clerk of the Marion City Council shall be the Secretary of the Board, and shall prepare and distribute notices of meetings, keep minutes of meetings and prepare resolutions and other documents relating to the decisions of the Board. The Safety/Service Director or his/her designated representative shall attend all Board meetings but non-compliance herewith shall not invalidate any action taken at such meeting. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1167: GENERAL PROCEDURE AND REGULATIONS

Section

- 1167.01 Chairman; Vice-Chairman
- 1167.02 Rules, regulations, meetings
- 1167.03 Minutes, quorum, vote
- 1167.04 Board assistance, oaths, witnesses

§ 1167.01 CHAIRMAN; VICE-CHAIRMAN.

The Board of Zoning Appeals shall elect from its membership a Chairman and a Vice-Chairman and such other officers as it may deem necessary. (Ord. 1969-182, passed 1-12-70)

§ 1167.02 RULES, REGULATIONS, MEETINGS.

The Board shall adopt rules consistent with law and with this zoning code. Meetings of the Board shall be held once each month and at such additional times as the Board may determine. The time of regular monthly meetings shall be specified in the rules. Special meetings may be called by the Chairman, or in his/her absence, by the Vice-Chairman. There shall be a fixed place of meeting and all meetings shall be open to the public. (Ord. 1969-182, passed 1-12-70)

§ 1167.03 MINUTES, QUORUM, VOTE.

The Board shall keep minutes of its proceedings, showing the action of the Board and the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of all its official actions, all of which shall be filed promptly in the office of the Board and shall be a public record. The presence of four members shall constitute a quorum. The concurring vote of four members of said Board shall be necessary to reverse any order, requirement, decision or determination of the Safety/Service Director or to decide in favor of the applicant on any matter upon which it is required to pass by this zoning code. In the absence of four members, one member shall constitute a quorum only for the purpose of establishing a date and time for the continuance of the meeting. After this is accomplished, and the date and time is clarified to all present, the member or members present shall adjourn the meeting. (Ord. 1969-182, passed 1-12-70)

§ 1167.04 BOARD ASSISTANCE, OATHS, WITNESSES.

The Board may call on any municipal departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required. The Chairman, or in his/her absence, the Acting Chairman, may administer oaths, and the Board may compel the attendance of witnesses. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1169: APPLICATIONS AND APPEALS; PROCEDURES

Section

- 1169.01 Original jurisdiction applications
- 1169.02 Appeals
- 1169.03 Hearings; dates and notices
- 1169.04 Fee required
- 1169.05 Decisions of the Board

§ 1169.01 ORIGINAL JURISDICTION APPLICATIONS.

An application to the Board, in cases in which it has original jurisdiction under the provisions of this zoning code, may be filed by any party in interest. Such application shall be in writing on a form approved by the Board and shall be filed with the Secretary of the Board at least 14 days before the meeting at which it is to be heard. Each application shall refer to the specific provision of the code involved, and shall set forth the use or condition for which an exception or other permit is sought, an accurate description of the land and conditions involved and the grounds on which it is claimed that approval should be granted. (Ord. 1969-182, passed 1-12-70)

§ 1169.02 APPEALS.

An appeal to the Board from any decision of the Safety/Service Director in his/her administration of any portion of this zoning code may be taken by any party in interest. An appeal to the Board must be taken within 20 days after such decision by filing with the Secretary of the Board a written notice of appeal, specifying the grounds therefore. Upon such filing, the Secretary shall forthwith transmit a copy thereof to the Safety/Service Director, who shall promptly transmit to the Secretary of the Board all papers constituting the record upon which the action appealed was taken, or in lieu thereof certified copies of such papers. Said appeal shall not be heard until it has been on file at least 14 days. (Ord. 1969-182, passed 1-12-70)

§ 1169.03 HEARINGS; DATES AND NOTICES.

When an application or appeal has been filed in proper form and with the required date, the Secretary of the Board shall immediately place said application or appeal upon the calendar for hearing and cause notices to be served stating the time, place and object of the hearing. Such notices shall be served personally or by registered or certified mail at least ten days prior to the day of such hearing upon the applicant or appellant, the Safety/Service Director and upon such other persons as are specified by this zoning code, and upon such other persons as the Board may specify in its rules and regulations. Such notices, if by mail, shall be addressed to the last known addresses of the parties to be notified. Deposit of such notice in the U.S. Mails shall constitute service of notice. The Secretary of the Board shall also public notice of such hearing in a newspaper of general circulation in Marion County at least seven days prior to the public hearing. Any party may appear at such hearings in person or by agent or attorney. (Ord. 1969-182, passed 1-12-70)

§ 1169.04 FEE REQUIRED.

Each application or appeal shall be accompanied by a check or money order made payable to the Treasurer of the municipality, or a cash payment in the amount specified in Chapter 1183. The Secretary shall not accept any application or appeal until such payment is received. No cash will be accepted. (Ord. 1969-182, passed 1-12-70; Ord. 2003-66, passed 7-28-2003)

§ 1169.05 DECISIONS OF THE BOARD.

(A) The Board shall decide all applications and appeals no later than the next regular meeting following completion of the hearing or within 35 days after such completion, whichever is first in point of time. Such decision shall become effective upon the rendering thereof and shall state the reasons for the decision. Such decisions shall constitute a final order for purposes of appeal therefrom to court under R.C. § 2506.01 et seq. as now or hereafter in effect. Certified copies of the Board's decision shall be transmitted forthwith to the applicant or appellant, the Safety/Service Director and to such other persons as the Board may specify in its rules and regulations.

(B) In case of approval of an application or appeal, the Safety/Service Director shall incorporate the terms and conditions of such approval in the permit issued to the applicant or appellant.
(Ord. 1969-182, passed 1-12-70)

CHAPTER 1171: POWERS OF THE BOARD

Section

- 1171.01 Interpretation of the zoning code
- 1171.02 Exceptions and conditional uses; other original jurisdiction of Board
- 1171.03 Variances
- 1171.04 General powers

§ 1171.01 INTERPRETATION OF THE ZONING CODE.

Upon appeal from a decision by the Safety/Service Director, the Board shall have the power to decide any question involving the interpretation of the zoning text or map, as follows:

(A) In case there is question as to the intended meaning of any provision of the zoning text, the Board may interpret its meaning as it applies to a particular property.

(B) Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice of public hearing to the owners of the property, shall interpret the map in such way as to carry out the intent and purpose of this zoning code for the particular section or district in question. In case of any question as to the location of any boundary line between zoning districts, an application for interpretation of the Zoning Map may be made to the Board and a determination shall be made by said Board by following the procedure established in Chapter 1169. (Ord. 1969-182, passed 1-12-70)

§ 1171.02 EXCEPTIONS AND CONDITIONAL USES: OTHER ORIGINAL JURISDICTION OF BOARD.

The Board shall have the power and original jurisdiction to hear and decide, in accordance with the provisions of this zoning code, applications, filed as hereinbefore provided, for special exceptions, conditional uses, and all other matters in which original jurisdiction is granted by this zoning code. In considering such applications, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before approving such applications, the Board shall determine whether the use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic. Upon approving any application, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this code for the particular conditional use or exception, as the Board may deem necessary for the protection of adjacent properties and the public interest. (Ord. 1969-182, passed 1-12-70)

§ 1171.03 VARIANCES.

(A) The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning code as will not be contrary to the public interest. To grant any variance, the Board must find:

(1) That there are circumstances fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this code would result in practical difficulty and

unnecessary hardship and deprive the applicant of the reasonable use of the land or building.

(2) That the variance as granted by the Board is the minimum variance that will accomplish the reasonable use of the subject land or building.

(3) That the granting of the variance will be in harmony with the general purpose and intent of this code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(B) Such findings shall be set forth fully in the action taken by the Board. (Ord. 1969-182, passed 1-12-70)

§ 1171.04 GENERAL POWERS.

In exercising its powers, the Board, in conformity with the provisions of statute and this zoning code, may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as in its judgment ought to be made, and to that end shall have all powers of the office from which the appeal is taken. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1173: EXPIRATION OF PERMITS FOR EXCEPTIONS, CONDITIONAL USES AND VARIANCES

Section

1173.01 Expiration of permits for exceptions, conditional use and variances

§ 1173.01 EXPIRATION OF PERMITS FOR EXCEPTIONS, CONDITIONAL USE AND VARIANCES.

Zoning permits or variation of the application of the literal provision of this code allowed or granted by the Marion City Board of Zoning Appeals shall expire and be of no force or effect after the expiration of six months from the date thereof, and is subject to the provisions in § 1173.01. (Ord. 1969-182, passed 1-12-70; Am. Ord. 1993-87, passed 8-9-93)

TITLE ELEVEN - ADMINISTRATION

- Chapter 1175 Enforcement
 - Chapter 1177 Zoning Permits
 - Chapter 1179 Use Permits
 - Chapter 1181 Duties of Safety/Service Director
 - Chapter 1183 Fees
 - Chapter 1185 Design and Review Regulations
-

CHAPTER 1175: ENFORCEMENT

Section

1175.01 Enforcement

§ 1175.01 ENFORCEMENT.

It shall be the duty of the Safety/Service Director to enforce the provisions of this zoning code. All departments, officials and employees of the municipality vested with the duty or authority to issue permits or licenses shall conform to the provisions and shall issue no license or permit for any use, building or purpose in conflict with the provisions of this code. Any permit or license issued in conflict with the provisions of this code shall be null and void. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1177: ZONING PERMITS

Section

- 1177.01 Permits required: exceptions
- 1177.02 Applications: issuance of permits
- 1177.03 Expiration of zoning permit

§ 1177.01 PERMITS REQUIRED: EXCEPTIONS.

No person either directly or through or by any agent, servant or employee whether as contractor, owner or otherwise shall proceed to erect or construct any building, structure or any addition or improvement thereto, which change or alteration will affect or require conformance with any provision or standard of this zoning code within the municipality without first obtaining a permit therefor in the manner set out in § 1177.02. (Ord. 1969-182, passed 1-12-70)

§ 1177.02 APPLICATIONS: ISSUANCE OF PERMITS.

(A) Every application for a zoning permit shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing the actual shape and dimensions of the lot to be built upon; the exact location, size and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate, if any; the location of the present use and proposed use to be made of the lot and such other information with regard to the existing or proposed buildings and the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this zoning code. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Safety/Service Director, together with such zoning permit as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey, if required by the Safety/Service Director.

(B) No zoning permit shall be issued by the Safety/Service Director unless the plans, specifications and the intended use conform to the provisions of this zoning code and to the provisions of all other applicable laws and regulations. (Ord. 1969-182, passed 1-12-70)

§ 1177.03 EXPIRATION OF ZONING PERMIT.

(A) If the work described in any zoning permit has not begun within 180 days from the date of issuance thereof, said permit shall expire, it shall be canceled by the Safety/Service Director; and written notice thereof shall be given to the persons affected.

(B) If the work described in any zoning permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Safety/Service Director, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1179: USE PERMITS

Section

- 1179.01 Permits required
- 1179.02 Use permits; where zoning permit issued
- 1179.03 Use permits; applications and issuance when no zoning permit required
- 1179.04 Temporary use permits

§ 1179.01 PERMITS REQUIRED.

No person either directly or through or by any agent, servant, or employee, whether as owner or otherwise, shall use or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly; or shall change or permit to be changed the use to which any land or buildings are put until a Use permit shall have been issued by the Safety/Service Director. (Ord. 1969-182, passed 1-12-70)

§ 1179.02 USE PERMITS; WHERE ZONING PERMIT ISSUED.

Upon completion of the work for which a zoning permit has been issued in accordance with § 1177.02 the holder of the permit shall notify the Safety/Service Director of such completion. The Safety/Service Director shall grant such holder a use permit if the work has been performed in accordance with the application for the zoning permit and such conditions, if any, as may have been required by the Safety/Service Director when the zoning permit was issued. (Ord. 1969-182, passed 1-12-70)

§ 1179.03 USE PERMITS; APPLICATIONS AND ISSUANCE WHEN NO ZONING PERMIT REQUIRED.

Before the use of any land or buildings is changed, when no zoning permit is required by this zoning code, an application for a use permit shall be filed with the Safety/Service Director. Such application shall show the location of the subject lands or buildings, the present and proposed use thereof, and such other information as may be necessary to determine if the proposed use is in conformity with the provisions of this code, and, if so, the use permit shall be granted. (Ord. 1969-182, passed 1-12-70)

§ 1179.04 TEMPORARY USE PERMITS.

Under such rules as may be adopted by the Board of Zoning Appeals, the Safety/Service Director may issue a temporary use permit for a part of a building. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1181: DUTIES OF SAFETY/SERVICE DIRECTOR

Section

1181.01	Action on applications
1181.02	Records and certification
1181.03	Revocation of permits
1181.04	Zoning and use permits; where Board of Zoning Appeals has original jurisdiction.

§ 1181.01 ACTION ON APPLICATIONS.

The Safety/Service Director shall act upon all applications filed with him/her within 30 days after such filing. He/she shall either issue a zoning permit or use permit, as the case may be, or shall notify the applicant in writing of his/her refusal to do so and the reasons therefor. Failure to notify the applicant in case of such refusal within said 30 days shall entitle the applicant to the permit applied for, unless the applicant consents to an extension of time. (Ord. 1969-182, passed 1-12-70)

§ 1181.02 RECORDS AND CERTIFICATION.

The Safety/Service Director shall keep a complete record of all applications made, permits issued and fees collected and shall certify a complete list of permits issued, to the City Auditor and County Auditor as provided by law. All fees collected shall be paid once each month to the City Auditor and credited to the General Fund of the municipality. (Ord. 1969-182, passed 1-12-70)

§ 1181.03 REVOCATION OF PERMITS.

If any permit is issued due to mistake of fact or contrary to the provisions of any applicable law or regulation, such permit shall forthwith be revoked. (Ord. 1969-182, passed 1-12-70)

§ 1181.04 ZONING AND USE PERMITS: WHERE BOARD OF ZONING APPEALS HAS ORIGINAL JURISDICTION.

In all cases where the Board of Zoning Appeals, pursuant to its original jurisdiction, grants a zoning permit or a use permit, it shall cause notice thereof to be given to the Safety/Service Director and a permit shall thereupon be issued by him/her in accordance with orders of the Board of Zoning Appeals. (Ord. 1969-182, passed 1-12-70)

CHAPTER 1183: FEES

Section

1183.01	Fees
1183.011	Zoning permits
1183.012	Use permit
1183.013	Sign permit
1183.014	Zoning or use or sign permit tax exempt property
1183.015	Matters coming before Board of Zoning Appeals
1183.016	Application for amendment to the zoning code
1183.017	Applications for planned developments
1183.018	Application for vacation of street or alley

§ 1183.01 FEES.

Except as otherwise indicated in this zoning code, there shall be a fee for the issuance of any required permit or for the acceptance and processing of any appeal, application or other matter coming before the Board of Zoning Appeals or Planning Commission, in accordance with the following schedules:
(Ord. 1969-182, passed 1-12-70)

§ 1183.011 ZONING PERMITS.

For any zoning permit for construction, extension, addition or structural remodeling, the zoning permit fee shall be as follows:

RESIDENTIAL FEES

*Improvement having a contract
price or estimated cost as follows: Fee*

0 to \$100	\$1.00
More than \$100 to \$1,000	7.00
More than \$1,000 additional \$1,000 or	\$7.00 plus 1.50 per fraction thereof

Maximum zoning permit fee \$300

NON-RESIDENTIAL FEES

*Improvement having a contract
price or estimated cost as follows: Fee*

Minimum of \$25.00 plus \$1.50 per additional \$1,000
or fraction thereof

Maximum Zoning Permit Fee \$1,000

(Ord. 1969-182, passed 1-12-70; Ord. 2003-66, passed 07-28-2003)

§ 1183.012 USE PERMIT; HOME OCCUPATION PERMIT.

In cases where a zoning permit has been issued no fee shall be charged for the issuance of the use permit which pertains thereto. In all other cases the fee for the issuance of a use permit shall be \$50.00. The fee for Home Occupation Permits shall be \$25.00. (Ord. 1969-182, passed 1-12-70; Ord. 2003-66, passed 7-28-2003)

§ 1183.013 SIGN PERMIT.

All types of signs \$25.00 minimum \$25.00 plus \$1.00 for each square foot of signage over 50 square feet. Maximum sign permit fee \$200.00. (Ord. 1969-182, passed 1-12-70; Ord. 203-66, passed 07-28-2003)

§ 1183.014 ZONING OR USE OR SIGN PERMIT TAX EXEMPT PROPERTY.

The fees set forth in this chapter for a zoning permit or a use permit or a sign permit shall not be charged when the applicant furnishes proof to the satisfaction of the Safety/Service Director that the subject property has a tax exempt status. (Ord. 1969-182, passed 1-12-70)

§ 1183.015 MATTERS COMING BEFORE BOARD OF ZONING APPEALS.

The fee for an application for variance, special exception or conditional use or any other matter, shall be set forth on the schedule of fees maintained by the Clerk of Council, as approved by the President of Council, said schedule being posted and available in the Clerk of Council's Office. (Ord. 1969-182, passed 1-12-70; Ord. 2003-66, passed 7-28-2003; Ord. 2008-105, passed 11-24-08)

§ 1183.016 APPLICATION FOR AMENDMENT TO THE ZONING CODE.

The fee for an application for an amendment to the zoning code, other than one proposed by the Planning Commission or Council, shall be as set forth on the schedule of fees maintained by the Clerk of Council, as approved by the President of Council, said schedule being posted and available in the Clerk of Council's Office. (Ord. 1969-182, passed 1-12-70; Am. Ord. 2000-95, passed 7-24-2000)

§ 1183.017 APPLICATION FOR PLANNED DEVELOPMENT.

The fee for an application for a planned development, other than one proposed by the Planning Commission or Council, shall be as set forth on the schedule of fees maintained by the Clerk of Council, as approved by the President of Council, said schedule being posted and available in the Clerk of Council's Office. (Ord. 1969-182, passed 1-12-70; Am. Ord. 2000-95, passed 7-25-2000)

§ 1183.018 APPLICATION FOR VACATION OF STREET OR ALLEY.

The fee for an application for a vacation of a street or alley, other than one proposed by the Planning Commission or Council, shall be as set forth on the schedule of fees maintained by the Clerk of Council, as approved by the President of Council, said schedule being posted and available in the Clerk of Council's Office. (Ord. 1969-182, passed 1-12-70; Am. Ord. 2000-95, passed 7-24-2000)

CHAPTER 1185: DESIGN REVIEW REGULATIONS

Section

1185.01	Establishment of a Design Review Board
1185.02	Purpose
1185.03	Definitions for design review regulations
1185.04	Design district boundaries
1185.05	Design review board
1185.06	Organization and rules of Review Board
1185.07	Duties of the Review Board
1185.08	Demolition permit required
1185.09	Limitations on issuance of zoning, demolition, sign permits and certificates of zoning Compliance
1185.10	Issuance of certificate of appropriateness or results of review
1185.11	Criteria for evaluating applications for certificate of appropriateness
1185.12	Notice of demolition required
1185.13	Certificate of appropriateness required for new signs
1185.14	Exclusions
1185.15	Penalty
1185.16	Appeal from decision of Review Board

§ 1185.01 ESTABLISHMENT OF A DESIGN REVIEW BOARD.

A Marion City Design Review Board is established to provide for a public body with authority to advise upon changes to structures and objects in the Downtown Design District. (Ord. 1969-182, passed 1-22-90)

§ 1185.02 PURPOSE.

The purpose of this chapter is to attempt to encourage design changes that are compatible with the existing architecture of the municipality. The City Council declares that the restoration, preservation, rehabilitation and the overall aesthetic improvement of the community are matters of public necessity involving the health, safety, prosperity, and welfare of the people. More specifically, the purpose of this chapter is to:

(A) Safeguard existing and new investments in building preservation, restoration, and rehabilitation by preventing intrusive alternatives within the district that would be compatible with the established design and character.

(B) Encourage businesses and building owners to carry out restoration and rehabilitation true to the character of the building involved. Nothing in this chapter shall be deemed or interpreted as a requirement that an existing building must be altered, or if to be altered, changed in any way to imitate or mimic an architectural period or style such as Colonial, Victorian, and the like, other than its own.

(C) Foster civic beauty and pride.

(D) Strengthen the local economy by design review of existing building and construction of new buildings compatible in size, scale, and materials to the area. (Ord. 1969-182, passed 1-22-90)

§ 1185.03 DEFINITIONS FOR DESIGN REVIEW REGULATIONS.

The following definitions shall apply only to the provisions of the Design Review Regulations of the

municipal zoning code.

ALTER or ALTERATION. Any material change in the external architectural features of any property which lies within a Design District, including demolition, removal or construction, but not including the landscaping of real property.

APPLICANT. Any owner, owners, person, persons, association, partnership or corporation who applies for a certificate of appropriateness in order to undertake any change on property subject to this chapter.

CHANGE. Any alteration, demolition, removal or construction involving any property subject to the provisions of this chapter including signs.

PROPERTY. Any place, building, structure, work of art, fixture or similar object, but shall not include real property unless expressly provided.

DESIGN DISTRICT. Any area so designated on the Zoning Map in accord with the provisions of this zoning code.

MEMBER. Any member of the Review Board.

OWNER. The owner or owners of record.

REVIEW BOARD. The Design Review Board established under the provisions of this zoning code. (Ord. 1969-182, passed 1-22-90)

§ 1185.04 DESIGN DISTRICT BOUNDARIES.

The Design District boundaries are shown on the Zoning District Map and includes all properties within such boundary. (Ord. 1969-182, passed 1-22-90; Ord. 1999-137, passed 11-22-1999)

§ 1185.05 DESIGN REVIEW BOARD.

(A) The Design Review Board, hereinafter referred to as the Review Board, shall consist of five members. One member shall be the chairman of the City Planning Commission. Four members shall be appointed by the Mayor with the consent of City Council. Of these, two shall be affiliated with a business or organization within the Design District, or a property owner within the district. One shall represent the banking, building, law, or real estate profession. The Mayor shall attempt, for the fourth appointed member, to nominate and appoint a registered architect, or someone who is or has been in a design related profession, such as urban planning, historic preservation, design related profession, such as urban planning, historic preservation, and the like.

(B) At least three members of the Review Board shall be residents of the municipality.

(C) Each appointed member shall serve a term of four years and may be reappointed for terms of four years, except that of the initial appointments, one member shall be appointed for one year term, one for a two year term, one for a three year term, and one for a four year term.

(D) The members shall serve without compensation from the municipality and appointed members may be removed for just cause by the Mayor. (Ord. 1969-182, passed 1-22-90)

§ 1185.06 ORGANIZATION AND RULES OF REVIEW BOARD.

(A) As soon as convenient following the appointment of members to the Review Board, the members shall meet and organize by election of a chairman and vice-chairman. The Review Board shall adopt its own rules of procedure and provide for regular and special meetings to accomplish the purpose of this zoning code. The Clerk of Council shall serve as Secretary, but shall not be required to attend meetings. The Chairman shall request that a member take minutes which shall be forwarded to the Secretary for reproduction and distribution.

(B) Before adoption of such rules of procedure by the Review Board such rules shall be submitted to the City Planning Commission for review and recommendation and to Council for approval. Such rules shall not be adopted without prior Council approval. (Ord. 1969-182, passed 1-22-90)

§ 1185.07 DUTIES OF THE REVIEW BOARD.

The Review Board shall have the following rules:

(A) The Review Board shall review and act upon all applications for certificates of appropriateness as required in §1185.11 of this zoning code.

(B) The Review Board may establish additional criteria, rules and regulations not otherwise included in this chapter for evaluating applications for certificates of appropriateness submitted to it and the manner in which they shall be processed. Such criteria, rules and regulations shall not be adopted by the Review Board until after review and recommendations by the City Planning Commission and approved by Council.

(C) In addition to using the Secretary of Interior's Standards for Rehabilitation, when evaluating applications for Certificates of Appropriateness, the Design Review Board has adopted the following General Design Guidelines. The purpose of these policies is to help business and property owners, and design professionals undertaking construction, demolition and rehabilitation projects in the Design Review District by identifying guidelines intended to preserve the architectural integrity of the district by promoting sensitive renovation and compatible new construction.

(1) Site Development Setback. On blocks where no front yard set back is present, development will be required at the property line. Maintaining the historic facade lines of the streetscape will be achieved by locating the front walls of new buildings in the same place as the existing buildings. Storefronts should be contiguous to produce non-stop impulses for the pedestrian to keel moving. Putting buildings in front or behind the existing setback or at odd angles to the street should be avoided.

(2) Directional Expression. Buildings should be oriented or have a facade character similar to the pre-dominant directional expression of other buildings on the block and in the near vicinity. Special attention should be given to corner lots, which face more than one street. Corner buildings should announce the block by being larger or having a dominant building element that sets them off from the rest of the street, such as a corner entrance, corner tower, canopy or cupola. All facades that are visible to the public, including approaches from parking areas, shall be treated in a sensitive manner. Side and rear walls may remain plainer, but should relate to the main elevation by color, material and detail as much as possible.

(3) Parking Lots. Parking lots should not be in front of the building. Zero setback from the street is preferred in areas where it is common, such as on Center Street. Instead parking should be to the rear of the building or the side of the building wherever possible. Side parking shall incorporate pedestrian scale fencing or landscaping to screen the parking area. Thus the open lot will be less likely to create an uncharacteristic gap or void along the streetscape. Parking areas shall be treated with decorative elements, building wall expansions, plantings, berms, or other innovative means to screen parking areas from public ways. Signage should clearly and neatly identify whether or not the lot is open to the public or for a specific use.

(4) Height. Buildings should relate the overall height of new construction to the average height

of existing adjacent buildings. Downtown Marion has many two- and three- story buildings. It is preferred that new structures are comparable in height to maintain the character of the district.

(5) Scale. Size and proportion of new structures shall be related to the scale of the adjacent buildings. Height, width, and or massing create the rhythm of the streetscape. New construction should compliment the existing rhythm.

(6) Massing. Variety of form and massing are important elements in establishing the character of a historic streetscape. For example, it is common on N. Main Street to have a 2 or 3 story building which is taller than it is wide, and has a flat roof line. A one story, horizontally oriented building with a gabled roof would be an example of a different, inappropriate massing.

(7) Sense of Entry. Entries in downtown Marion typically face the street and are flanked by storefront windows. The Italianate buildings common along Center Street have their entrances at grade level. For example, in typical Italianate commercial buildings, it is common to have a recessed entrance which allows enough space for the slight incline between the sidewall and the higher main floor level. Meanwhile, some buildings found on South Main Street were originally residential in nature, and may have raised porches with entries a few steps above grade. Consideration should be given to which type of entry is most appropriate.

(8) Projections into the required yards. Section 1151.065 of the zoning code eaves, cornices, window sills and belt courses may project into any yard a distance not to exceed three feet. If a proposed budding or renovation will project into the street or alley right-of-way, it may be necessary to obtain an easement from the City before proceeding with said project.

Section 1161.025 states that no part of any accessory sign may project beyond the property line except in the C-3 district, where signs may project into the street right-of-way as follows:

A. Projecting signs may extend into the street right-of-way no more than three feet and the bottom thereof shall be no less than ten feet above the grade of the sidewalk beneath it.

B. Awnings, canopies or marquees extending beyond the property line may have signs upon them, which shall be affixed flat to the surface thereof, unless extending vertically beneath such awning, canopy, or marquee, complying with height limits of Section 1161.026.(E).

C. Wall signs may project into a street right-of-way no more than twelve (12) inches.

(9) Roof Shapes. Applicants should relate the roof form of new buildings to those found in the area. Using similar shapes, pitches and materials on roofs new construction and rehabilitation projects makes the buildings more compatible to the overall district. Similarly, the presence of cornices and friezes are common decorative features at the top of many downtown buildings. These decorative elements are an important crowning feature, and should be maintained whenever possible. Removing these features results in an unfinished look to, the building. Maintaining and repairing is preferred to removing them. If possible, new construction should be designed to incorporate a comparable feature at the top of the proposed building, at a minimum a decorative corbelled brick pattern or a series of crown molding should be used to allude to a cornice.

(10) Rhythm of Openings. The alteration of wall areas with door and window elements as well as width to height ratio of bays in the façade create the rhythm of a building. When this rhythm is found in series of adjacent buildings, it creates a rhythm to the streetscape. For example, it is common in downtown Marion for first floor storefronts to consist of large store front windows on the first floor and a series of narrow, tall, rectangular, double hung windows on upper stories. The facades are often symmetrical in nature. Buildings with

large expanses of windowless walls, or bricking in existing windows disrupt the rhythm of the openings, and should be avoided.

(11) Windows. The Italianate style became popular in the 1860's. It emphasized vertical proportions. The tall, narrow, double-hung windows were used in upper stories. The exceptions are store front display windows: Storefront windows should contain clear glass to allow visual access of the interior space. Smoked and mirror glass should be avoided. Repair of original windows is preferable to replacing them with windows of different size or material. Unused windows should not be closed or covered by bricks, metal or wooden boards.

(12) Material. Care should be given especially when altering first floor storefronts, not to use modern, incompatible materials such as vinyl and aluminum siding, mirrored or tinted glass, woodshake shingles, artificial stone and brick veneer. Materials shall be selected for suitability to the type of building and the design in which they are used. Buildings shall have the same materials or materials that will be architecturally harmonious, for all walls and other exterior components wholly or partly visible from public ways. Materials shall be of durable material.

(13) Storefront Signage. Preserve and maintain historic signage on the building. Historically, commercial signage was pedestrian oriented. A sign band was often found between the lintel between the first floor and the second story. Locating wall-mounted fascia signs or projecting signs in this space or placing signage in the storefront windows is preferred. Ensure that size and placement of signage compliments the building's architectural style. Place signage where it cannot obscure significant architectural detail or block the view of buildings beyond either side. For new signage, use external illumination as opposed to internal.

While content is not regulated, signs that are small, easily read with simple messages are preferred to large signs that are visually cluttered with multiple messages. Restraint in the number of colors and letter styles used on signage is urged. Buildings with multiple tenants or storefronts should develop an overall sign plan for the entire building to create a neat, balanced, complimentary appearance and prevent information overload and visual disorder.

Do not install large scale wall signs on massive buildings. Instead, add a small plaque style wall or small projecting sign scaled to the size of the entrance. The top and bottom of an awning may also be used to provide signage. It is not uncommon to see a business name or address printed on the front panel or lower flap of a canvas awning.

Use a detached sign whenever signage was not an integral part of the structure's original use. For example, in residential area with a front yard setback, consider using a low ground sign or a pole sign in the front yard. Portable, trailer-mounted temporary signs and large scale billboards are not desired within the district. Existing billboards may remain, but new ones will not be permitted in the district.

In order to create a signage system for visitors that is user friendly, uniform appearance of directional and parking signs throughout the district is desired. Parking signs should clearly indicate whether the spaces are open to the public or are reserved for private use.

(14) Lighting. Exterior lighting, where permitted, can enhance the building design, signage and landscape. Lighting shall be restrained in design and excessive brightness shall be avoided.

(15) Building Site. The relationship between a building and its site features help define the historic character and should be considered an important part of the design of a rehabilitation or new construction project within the design district. Site features can include, but are not limited to driveways, walkways, streetscape features, lighting, fencing, benches, landscaping, planters, fountains, terraces and the visible

presence of mechanical units, loading docks and dumpsters. Attention to detail, especially scale and material, should be given when removing, adding or drastically changing such site features. For example, chain-link or tall, wooden privacy fences shall be discouraged, while smaller iron or brick fences may be more appropriate.

(16) Awnings. Awnings were commonly used in the downtown. They act as a transition between the building, the sidewalk and the street. They also shelter pedestrians and reduce glare. Fixed aluminum canopies, awnings made of plastic or wood shingles or those simulating mansard roofs are generally incompatible with older commercial buildings. Awnings should look traditional and be made of soft canvas or vinyl. Install awnings with a fixed or retractable pipe frame construction having a canvas cover in an opaque muted color. The color should compliment the building and not clash with properties in the near vicinity. Awnings should be installed in a way that does not damage the building or obscure important architectural features. Place a low level light above, rather than underneath it. Do not try to use an awning to replace a porch that has been removed from a residential building. Awnings should be mounted high enough to provide adequate clearance beneath them and to minimize potential vandalism.

(17) Patios and decks. Decks are a feature of suburban development and not appropriate in an historic commercial district. Porches and patios are more acceptable in residential section of the district. When appropriate, brick pavers are the preferred materials for patios. (Ord. 1969-182, passed 1-22-90; Ord. 2003-38, passed 06-09-2003)

§ 1185.08 DEMOLITION PERMIT REQUIRED.

No demolition of any property, as defined in §1185.03 shall be undertaken prior to obtaining a certificate of appropriateness from the Review Board and a demolition permit from the Safety/Service Director unless otherwise provided by law. The proposed use of the resulting space, in the case of a demolished structure, will be stated in the application for the permit. (Ord. 1969-182, passed 1-22-90)

§ 1185.09 LIMITATIONS ON ISSUANCE OF ZONING, DEMOLITION, SIGN PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

(A) No permits which require a certificate of appropriateness shall be issued unless the application for such permit is approved by the Review Board through the issuance of a certificate of appropriateness.

(B) No sign permit shall be issued by the Safety/Service Director or through otherwise established procedures for any sign to be erected or placed within the Design District unless a certificate of appropriateness has been issued for that sign. (Ord. 1969-182, passed 1-22-90)

§ 1185.10 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS OR RESULTS OF REVIEW.

(A) When the owner of a property within a Design District desires to make any change other than ordinary maintenance including the construction, reconstruction, alteration or demolition of any property, structure, sign, area or object within a Design District, such owner or his/her agent shall first secure a certificate of appropriateness from the Design Review Board unless such property is exempted in accord with the exclusions permitted in §1185.14. Such exemption shall be determined by the Safety/Service Director.

(B) Applications for certificate of appropriateness shall be filed with the Safety/Service Director who shall, prior to the issuance of any permits, refer the application to the Review Board for approval or denial.

(C) If a proposed change is in accordance with the guidelines and criteria for the Design Review Board, including the criteria provided in §1185.11, then the Review Board shall issue a certificate of appropriateness. (Ord. 1969-182, passed 1-22-90)

§ 1185.11 CRITERIA FOR EVALUATING APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

(A) In considering the appropriateness of any changes, including signs, the Review Board shall take into account the historical and architectural value and significance, architectural style and general design, arrangement, texture, material and color of the proposed change and the relation thereof to the same or related factors in other properties, objects and areas in the immediate vicinity.

(B) Attention should be taken to avoid the environmentally harmful effect often created by the clash of undisguised contemporary materials with those of older origin, such as aluminum or other metals, plastic, fiberglass and glass improperly used with brick, stone, masonry and wood.

(C) In judging appropriateness of any change or in making a recommendation, the Review Board shall use the Secretary of the Interior's Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings, U.S. Department of Interior, as currently revised. (Ord. 1969-182, passed 1-22-90)

§ 1185.12 NOTICE OF DEMOLITION REQUIRED.

Where a certificate of appropriateness is required by the provisions of this zoning code, before being granted a certificate of appropriateness the applicant may be required to provide a written statement that the property concerned is not historically or architecturally significant or otherwise worthy of preservation. (Ord. 1969-182, passed 1-22-90)

§ 1185.13 CERTIFICATE OF APPROPRIATENESS REQUIRED FOR NEW SIGNS.

(A) As has been provided under the provisions of this zoning code, a certificate of appropriateness shall be obtained for any new sign an applicant wishes to erect or place within a Design District.

(1) In the evaluation as to the issuance of a certificate of appropriateness the Design Review Board shall apply provisions contained within Secretary of the Interior's Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings, U.S. Department of Interior, as currently revised and in addition shall evaluate minimum standards, including but not limited to: Authorize the Certificate only if the new Digital or Electronic Advertising Sign: replaces two or more existing billboards at the same site or elsewhere in the downtown design review district and that the sign would improve the appearance of Downtown Marion; is 250 feet or more from an existing billboard and, in the Board's judgment, cannot be easily viewed from existing residences, including occupied loft apartments; will the billboard enhance an existing open space as part of a cleanup of an unsightly vacant lot or blocking the unsightly visual clutter of other vacant lots and deteriorating buildings; and, ten percent of the advertising time per week must be dedicated to free non partisan public service announcements. This may include advertising upcoming equally distributed within a 24 hour period. This may include advertising upcoming downtown events, amber alerts, or some type of "Welcome to Marion, Ohio"

(B) The certificate of appropriateness by the Review Board shall be obtained prior to issuance of a certificate of zoning compliance by the Safety/Service Director. (Ord. 1969-182, passed 1-22-90)(Ord. 2010-8, passed 4-12-2010)

§ 1185.14 EXCLUSIONS.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property, area or object within a Design District or otherwise listed under the provisions of this chapter, provided such work involves no change in material, design, texture or other appearance other than color; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or

demolition of any feature which in the view of the Safety/Service Director acting lawfully is required for the public safety because of an unsafe or dangerous condition. (Ord. 1969-182, passed 1-22-90)

§ 1185.15 PENALTY.

(A) Whoever constructs, reconstructs, alters, changes or demolishes any exterior feature of any property, area or object in violation of these Design Review Regulations or whoever maintains, changes or installs a sign in violation of this zoning code, shall be deemed in violation of this zoning code, and such violation shall be punishable under this zoning code.

(B) In the event any change is made in any property which is situated in a Design District, in violation of the provisions of these Design Review Regulations, the municipality may institute appropriate proceedings to prevent such unlawful change. (Ord. 1969-182, passed 1-22-90)

§ 1185.16 APPEAL FROM DECISION OF REVIEW BOARD.

(A) In the case of a denied certificate of appropriateness, the Review Board shall attempt to work out an alternative plan with the owner or his/her agent that is acceptable to all parties.

(B) If the Review Board and the owner are unable to work out an alternative plan or if the owner does not wish to take this action, the owner may make an appeal to the Board of Zoning Appeals in accord with Chapter 1169 of this zoning code. (Ord. 1969-182, passed 1-22-90)