

B-1 NEIGHBORHOOD BUSINESS DISTRICT

§ 152.140 PRINCIPAL PERMITTED USES.

Any local retail business or service establishment supplying commodities or performing services primarily for residents of the neighborhood on a day to day basis, such as:

- (A) Retail and services. Groceries, supermarkets, fruit and vegetable stores, drugstores, garden supply stores, barber shops, beauty parlors, clothes cleaning and laundry pickup, retail liquor store, and the like.
- (B) Offices. Business and professional.
- (C) Eating and drinking places. Restaurants, liquor sales, soda fountains and ice cream parlors, not including entertainment or dancing, and not including drive-in restaurants.
- (D) Automotive services. Automobile service stations, minor repair and commercial storage garages, and parking lots, subject to the applicable requirements of §§ 152.220 through-152.232 and §§ 152.260 through 152.261.
- (E) Outdoor advertising. Display signs, billboards, and other outdoor advertising signs and structures subject to the provisions of §§ 152.250 through 152.253.
- (F) Residential uses. Any use permitted and as regulated in the R District adjoining the B-1 District, if there are adjoining two or more different categories of residence districts, the regulations of the least restrictive residence district shall prevail.
- (G) Other uses. Any other retail business or service establishment determined by the Board to be of the same general character as the above permitted uses, not including those which are first permitted or are not permitted in the B-2 District, unless demonstrated as necessary for normal day to day needs.

Cross-reference:

- Additional permitted and prohibited uses, see §§ 152.046 and 152.047
- Off-street parking and loading, see §§ 152.220 - 152.232
- Performance standards, see §§ 152.285 - 152.287

§ 152.141 CONDITIONALLY PERMITTED USES.

- (A) The following uses shall be permitted only when specifically authorized by the Board in accordance with the provisions of §§ 152.025 through 152.036, provided such uses are located on premises abutting a primary or secondary thoroughfare as shown on the major street plan.
- (B) Drive-in eating and drinking places, summer gardens, roadhouses, including entertainment and dancing, and sale and consumption of alcoholic beverages, provided the principal building in which such activities are housed is distant not less than 100 feet from any R District.

Cross-reference:

- Exceptions and modifications, see §§ 152.205 - 152.213
- Nonconforming uses and buildings, see §§ 152.190 - 152.196

§ 152.142 ACCESSORY USES.

Accessory uses and structures as permitted and regulated in the R-3 District and any other accessory uses and structures customarily accessory and incidental to any of the foregoing permitted B-1 District uses.

§ 152.143 REQUIRED CONDITIONS.

(A) Business in enclosed buildings. All businesses, services, or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants, and other fluids at service stations, and such outdoor display or storage of vehicles, materials, and equipment as herein before specifically authorized or as may be authorized by the Board.

(B) Production for sale at retail. AD products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.

(C) Use must be non-objectionable. Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by any reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste.

(D) New merchandise. Goods for sale shall consist primarily of new merchandise.

§ 152.144 HEIGHT REGULATIONS.

No principal structure shall exceed 2-1/2 stories or 30 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in § 152.206. Penalty, see § 152.999

§ 152.145 LOT AREA FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as otherwise provided herein:

	LOT AREAS	FRONTAGE	FRONT YARD DEPTH (FT.)	SIDE YARD WIDTH STORY ONE BOTH	REAR YARD DEPTH
Nonresidential uses	None	None	20	None, except when adjoining any R District.	Ten feet, except when adjoining any R District.
Residential	Same as R-3 District				

B-2 DOWNTOWN BUSINESS DISTRICT

§ 152.150 PRINCIPAL PERMITTED USES.

(A) General. Any use permitted and as regulated in the B-1 District, except as hereinafter modified, and the following uses.

(B) Retail and services. Art or antique shops, artists' supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, mail-order houses, and the like.

(C) Banks. Banks, including drive-in banks, and savings and loan associations.

(D) Eating and drinking places. Bars, restaurants, and cocktail lounges.

(E) Entertainment. Night clubs, theaters, billiard parlors, pool halls, bowling alleys and similar enterprises, but not within 100 feet of any R District, subject to all applicable regulations and such permits as may be required by law.

(F) Trade or business schools. Trade or business schools, provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor, or vibration.

(G) Commercial art studios. Commercial art studios, including photographic studios, dancing studios, radio and telecasting studios, and the like.

(H) Hotels. Hotels, including motels and motor hotels, subject to the provisions of §§ 152.240 through 152.245.

(I) Newspapers. Printing and publishing.

(J) Automotive services. Automotive display, hire, sales and minor repair public garage, not including major repair, provided all operation other than display and sales shall be conducted wholly within a completely enclosed building, and provided further that a building used for repair of automobiles or a public garage shall be at least 50 feet from any R District and shall have no openings adjoining the R District, other than stationary windows and fire escapes.

(K) Other uses. Any other retail business or service establishment or use which is determined by the Board to be of the same general character as the above permitted uses, but not including any use which is first permitted or which is not permitted in the B-3 District.

(L) Group homes for mentally retarded persons.

Cross-reference:

Additional permitted and prohibited uses, see §§ 152.046 and 152.047

Exceptions and modifications, see §§ 152.205 - 152.213

Nonconforming uses and buildings, see §§ 152.190 - 152.196

Off-street parking and loading, see §§ 152.220 - 152.232

Performance standards, see §§ 152.285 - 152.287

§ 152.151 ACCESSORY USES.

Accessory uses and structures as permitted and as regulated in the B-I District, and such other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted B-2 District uses.

§ 152.152 REQUIRED CONDITIONS.

Required conditions shall be the same as specified for the B-1 District, except for new merchandise in the case of art or antique shops.

§ 152.153 HEIGHT REGULATIONS.

No principal structure shall exceed six stories or 75 feet in height, except as provided in § 152.206. Penalty, see § 152.999

§ 152.154 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS.

(A) Commercial uses, none.

(B) Residential uses, same as in the R-3 District.

B-3 GENERAL BUSINESS DISTRICT

§ 152.160 PRINCIPAL PERMITTED USES.

- (A) General. Any use permitted and as regulated in the B-2 District, except as hereinafter modified.
- (B) Retail and services. Laundries, clothes cleaning, or dyeing establishments; used merchandise stores; funeral homes and mortuaries.
- (C) Wholesale and warehousing. Any wholesale business, storage, and warehousing; commercial greenhouses.
- (D) Eating and drinking establishments. Drive-in eating and drinking places, summer gardens and roadhouses, provided the principal building is distant not less than 100 feet from any R District.
- (E) Automotive services and farm implements. Automobiles, trucks, trailers, and farm implements for sale, display, hire, or repair, including sales lots, used car lots, trailer lots, repair garages, body and fender shops, and paint shops, but not within 50 feet of any R District.
- (F) Trailer parks. (Manufactured mobile home parks) Trailer parks, in accordance with the provisions of §§ 152.240 through 152.245.
- (G) Animal hospitals and veterinary clinics. Animal hospitals, kennels, display, and housing or boarding of pets and other domestic animals, provided that any enclosures or building in which the animals are kept shall be at least 100 feet from any R District and at least 50 feet from any B-1 District. Exercise runs shall be enclosed on four sides by an unpierced fence or wall at least six feet in height.
- (H) Commercial recreation. Any type of commercial recreation, including baseball fields, swimming pools, skating rinks, golf driving ranges, and similar open-air facilities, provided such establishments shall be distant at least 200 feet from any R District.
- (I) Entertainment. Drive-in theaters, provided the screen shall be so located as not to be visible from adjacent streets or highways and setback not less than 200 feet from the established right-of-way line of any such street or highway.
- (J) Building and related trades. Carpenter shops, electrical and plumbing shops, paint shops, heating shops, paper hanging shops, furniture upholstering, and similar enterprises, not including contractors' yards, but not within 50 feet of any R District.
- (K) Printing and related trades. Publishing, job printing, lithographing, and blue printing.
- (L) Bottling works. Bottling of soft drinks and milk or distribution stations, providing a building uses for such processing and distribution shall be at least 100 feet from any R District.
- (M) Miscellaneous trades and business. Sheet metal shops, sign painting shops, and wholesale bakeries, but not within 100 feet of any R District.
- (N) Contractors' yards and related establishments.
 - (1) Building material yards, excluding concrete mixing; contractors' equipment storage yards or plants, or storage yards for rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sales of grain, livestock feed or fuel; carting, express, or hauling establishments, including storage of vehicles. Such uses shall be conducted either:

(a) Wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be distant at least 100 feet from any R District, unless such building has no openings other than stationary windows and required fire exits within such distance, but not within 50 feet of any R District in any case; or

(b) When conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six feet high, but not within 200 feet of any R District.

(2) All storage yards related to the uses in this subsection shall be enclosed.

(O) Other uses. Any other use which is determined by the Board to be of the same general character as the above permitted uses, but not including any use which is first permitted in the M-1 District, or which is prohibited in the M-1 District.

(P) Group homes for mentally retarded persons.

Penalty, see § 152.999

Cross-reference:

Additional permitted and prohibited uses, see §§ 152.046 and 152.047

Exceptions and modifications, see §§ 152.205 - 152.213

Nonconforming uses and buildings, see §§ 152.190 - 152.196

Off-street parking and loading, see §§ 152.220 - 152.232

Performance standards; see §§ 152.285 - 152.287

§ 152.161 ACCESSORY USES.

Accessory uses and structures as permitted and as regulated in the B-2 District, and such other accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any of the foregoing permitted B-3 District uses.

§ 152.162 REQUIRED CONDITIONS.

(A) Objectionable uses. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste, and shall comply with the performance standards in §§ 152.285 through 152.287.

(B) Enclosed buildings. All businesses, services, or processing shall be conducted wholly within a completely enclosed building, except for incidental display of merchandise; the sale of automobile fuel, lubricants and other fluids at service stations; loading and unloading operations; parking; the outdoor display or storage of vehicles, materials, and equipment, and the uses specified in § 152.160 (N).

(C) Night operation. No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any R District.

Penalty, see § 152.999

§ 152.163 HEIGHT REGULATIONS.

No principal or accessory structures shall exceed three stories or 40 feet in height, except as provided in §152.206.

Penalty, see § 152.999

§ 152.164 LOT AREA, FRONTAGE. AND YARD REQUIREMENTS.

Lot area, frontage, and yard requirements shall be the same as in the B-2 District.

M-1 LIGHT MANUFACTURING DISTRICT

§ 152.170 PRINCIPAL PERMITTED USES.

- (A) General. Any use permitted and as regulated in the B-3 District, except as hereinafter modified.
- (B) Manufacturing. Except for uses and processes prohibited in § 152.173, the manufacturing, compounding, processing, packaging, and assembling of products such as:
 - (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products, except fish or meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats or oils.
 - (2) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (except where presses over 20 tons' rated capacity are employed), shell, textiles, tobacco, wax, wood (except where saw and planing mills are employed), and yams.
 - (3) Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
 - (4) Musical instruments, toys, novelties, rubber or metal stamps, and other small rubber products.
 - (5) Electrical and electric appliances, instruments and devices, television sets, radios, and phonographs.
 - (6) Electric and neon signs, billboards, and other commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
- (C) Laboratories. Experimental, film, or testing laboratories, provided no operation shall be conducted or equipment used which would create hazardous, noxious, or offensive conditions.
- (D) Warehouses. Warehouses for the storage of merchandise and materials.
- (E) Metal working, foundries, carpet cleaning, and cold storage. The following uses, provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any R District:
 - (1) Blacksmith, welding, or other metal working shop, excluding punch presses over 20 tons' rated capacity, drop hammers, and other noise-producing machine-operated tools, machine shops, cooperage works.
 - (2) Foundry, casting lightweight nonferrous metals, or electric foundry not causing noxious fumes or odors.
 - (3) Bag, carpet, and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
 - (4) Ice manufacturing and cold storage plant; creamery and bottling plant.

(F) Flammable liquids; building materials. The following uses when located not less than 200 feet from any R District:

(1) Flammable liquids, underground storage only, not to exceed 25,000 gallons.

(2) Building material sales yards, including concrete mixing; lumber yards, including millwork; open yards for storage and sale of feed or fuel.

(G) Other uses. Any other use that is determined by the Board to be of the same general character as the above permitted uses, but not including any use which is prohibited in the M-1 District under § 152.173.

Cross-reference:

Additional Permitted and prohibited uses, see §§ 152.046 and 152.047

Exceptions and modifications, see §§ 152.205 - 152.213

Nonconforming uses and buildings, see §§ 152.190 - 152.196

Off-street parking and loading, see §§ 152.220 - 152.232

Performance standards, see §§ 152.285 - 152.287

§ 152.171 ACCESSORY USES.

Accessory uses and structures permitted and as regulated in the B-3 District, except as hereinafter modified, and such other uses and structures customarily accessory and incidental to any of the foregoing principal permitted uses, except for uses prohibited in the M-1 District.

§ 152.172 REQUIRED CONDITIONS.

(A) Enclosed buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants, and other fluids at service stations; loading and unloading operations; parking; the outdoor display or storage of vehicles, materials and equipment, and the uses specified in § 152.170 (F).

(B) Night operation. No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any R District.

Penalty, see § 152.999

§ 152.173 PROHIBITED USES.

(A) General. Any use which is first permitted or is not permitted in the M-2 District.

(B) Dwellings. Dwellings and residences of any kind, including motels and trailer parks; schools, hospitals, clinics and other institutions for human care, except where they are incidental to a permitted principal use. However, any of the aforesaid uses legally existing in the M-1 District at the time of the adoption of this chapter, or any amendment thereto, shall not be classified as a nonconforming use, as defined in § 152.004, and subject to the provisions of §§ 152.190 through 152-196.

(C) Offensive uses not to be authorized. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards in compliance with the provisions of this chapter, and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious, or offensive due to emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, beat frequency, refuse matter, or water-carried waste. Penalty, see § 152.999

Cross-reference:

Additional permitted and prohibited uses, see §§ 152.046 and 152,047

§ 152.174 HEIGHT REGULATIONS

Within 200 feet of any R District, no structure shall exceed three stories or 50 feet in height, and no structure shall otherwise exceed in height the distance measured to the center line of any adjoining street, except as provided in § 152.206.

Penalty, see § 152.999

§ 152.175 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as otherwise provided herein:

	LOT AREAS	FRONTAGE	FRONT YARD DEPTH (FT.)	SIDE YARD WIDTH STORY ONE BOTH	REAR YARD DEPTH
Nonresidential	None	None	20	None; except when adjoining R District, then not less than 25 ft. Each	One story: 30 ft. Two stories: 40 ft. Three stories: 50 ft. Five ft. more, each additional story
Dwellings or residential parts of nonresidential	Not permitted in M-1 District (Existing dwellings: same as R-3)				

M-2 GENERAL MANUFACTURING DISTRICT

§ 152.180 PRINCIPAL PERMITTED USES.

(A) General. Any use permitted in the following in certain parts of the M-2 District, or permitted in certain parts subject to Board authorization, or which are not prohibited in the M-2 District by this chapter or by any other law or ordinance.

(B) Any of the following uses, when located not less than 300 feet from any R District, and not less than 100 feet from any other district, except an M-1 or B-3 District:

- (1) Acetylene manufacturing in excess of 15 pounds pressure per square inch.
- (2) Acid manufacture, except as specified as a conditional use in § 152.181.
- (3) Asbestos manufacturing.
- (4) Automobile assembly.
- (5) Bleaching, cleaning, and dyeing plant of large scale production.
- (6) Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over 20 tons' rated capacity.
- (7) Candle or sperm oil manufacturing.
- (8) Coal yards.
- (9) Cooperage works.

- (10) Dextrine, starch, or glucose manufacturing.
- (11) Disinfectant, insecticide, or poison manufacturing.
- (12) Dye and dyestuff manufacture.
- (13) Enameling, lacquering, or japanning.
- (14) Emery cloth or sandpaper manufacturing.
- (15) Felt manufacturing.
- (16) Flour or grain mill.
- (17) Forge or foundry works.
- (18) Gas, generation, or storage for illumination or heating.
- (19) Grain drying or poultry feed manufacturing from refuse, mash, or grain.
- (20) Hair or hair products manufacturing.
- (21) Junk Yard.
- (22) Lime or lime products manufacturing.
- (23) Linoleum, oilcloth, or oiled goods manufacturing.
- (24) Match manufacturing.
- (25) Meat packing, but not stockyards or slaughterhouses (specified as a conditional use in §152.181).
- (26) Oil, paint, shellac, turpentine, varnish, or enamel.
- (27) Paper and pulp manufacturing.
- (28) Perfume manufacturing.
- (29) Pickle, sauerkraut, or sausage manufacturing.
- (30) Plaster manufacturing.
- (31) Poultry slaughterhouse, including packing and storage for wholesale.
- (32) Printing ink manufacturing.
- (33) Radium extraction.
- (34) Sandblasting or cutting.
- (35) Sawmill, the manufacture of excelsior, wood fiber, or sawdust products.
- (36) Sewage disposal plant.
- (37) Shoddy manufacturing.

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- (38) Shoe blacking or polish or stove polish manufacturing.
- (39) Soap manufacturing.
- (40) Steam power plant, except where accessory to a permitted principal use.
- (41) Stone and monument works employing power-driven tools.
- (42) Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper or clippings, including sorting, refining, baling, wool pulling, and scouring.
- (43) Sugar refining.
- (44) Tar or asphalt roofing or waterproofing manufacturing.
- (45) Tar distillation or manufacturing.
- (46) Vinegar manufacturing.
- (47) Wire or rod drawing; nut, screw, or bolt manufacturing.
- (48) Yeast manufacturing.
- (49) Any other use which, in the opinion of the Board, is of a similar character as those specified above.

Cross-reference:

Additional permitted and prohibited uses, see §§ 152.046 and 152.047
Off-street parking and loading, see §§ 152.220 - 152.232
Performance standards, see §§ 152.285 - 152.287

§ 152.181 CONDITIONALLY PERMITTED USES.

Any of the following uses, unless located not less than 500 feet from any R District, and not less than 200 feet from any other district except an M-1 or B-3 District, and unless authorized by the Board as provided in §§ 152.025 through 152.036, subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive:

- (A) Ammonia, chlorine, or bleaching powder manufacture.
- (B) Animal black, lampblack, boneblack, or graphite manufacture.
- (C) Celluloid or pyroxylin manufacturing, or explosive or flammable cellulose or pyroxylin products manufacturing or storage.
- (D) Cement, lime, gypsum, or plaster of Paris manufacture.
- (E) Crematory.
- (F) Creosote manufacture or treatment.
- (G) Distillation of coal, petroleum refuse, grain, wood, or bones, except in the manufacture of gas.
- (H) Explosives manufacture or storage, except for small arms ammunition.
- (I) Fertilizer and compost manufacture or storage.
- (J) Fish curing, smoking or packing, fish oil manufacture or refining.

- (K) Garbage, offal, dead animals, refuse and rancid fats incineration, reduction, or storage.
- (L) Glue manufacture and size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal refuse, or offal.
- (M) Hog farm.
- (N) Livestock feeding yard.
- (O) Petroleum or inflammable liquids production, refining and storage above ground.
- (P) Rubber, caoutchouc, or gutta-percha manufacture and treatment from crude or scrap material or the manufacture of balata.
- (Q) Slaughtering of animals; stockyards.
- (R) Smelting of ferrous or nonferrous ores.
- (S) Storage, curing, or tanning of raw, green, or salted hides or skins.
- (T) Sulphurous, sulphuric, nitric, picric, carboic or hydrochloric, or other corrosive acid manufacture.
- (U) Any other use which, in the opinion of the Board, is of a similar character as those specified above.

Cross-reference:

Exceptions and modifications, see §§ 152.205 - 152.213
Nonconforming uses and buildings, see §§ 152.190 - 152.196

§ 152.182 ACCESSORY USES.

Accessory uses and structures permitted and as regulated in the M-1 District, except as hereinafter modified, and such other uses and structures customarily accessory and incidental to a permitted use.

§ 152.183 ENCLOSURES.

- (A) Enclosure not required. Any use may be conducted in the M-2 District within or without a building or enclosure, subject only to distance requirements where applicable, and except as provided in division (B) below.
- (B) Junk yards; enclosures. All junk yards shall be enclosed by a solid board fence or wall not less than eight feet high.

§ 152.184 PERMITTED USES.

- (A) Dwellings. Dwellings and residences of any kind, including motels, trailer parks; schools, hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use. However, any of the aforesaid uses legally existing in the M-2 District at the time of adoption of this chapter, or any amendment thereto, shall not be classified as a nonconforming use, as defined in § 152.004, and subject to the provisions of §§ 152.190 through 152.196.
- (B) Offensive uses not to be authorized. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards in compliance with the provisions of this chapter, and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter, or water-carried waste. Penalty, see § 152.999

Cross-reference:

Additional permitted and prohibited uses, see §§ 152.046 and 152.047

§ 152.185 HEIGHT REGULATIONS.

Height regulations shall be the same as specified in the M-1 District.

§ 152.186 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as otherwise provided herein:

	LOT AREAS	FRONTAGE	FRONT YARD DEPTH (FT.)	SIDE YARD WIDTH STORY ONE BOTH	REAR YARD DEPTH
Nonresidential structures	None	None	20	None, except when adjoining R District, then not less than 50 ft. each side yard	One story: 40 ft. Two stories: 50 ft. Three stories: 60 ft. Five ft. more for each additional story
Dwellings or residential parts of nonresidential buildings	Not permitted in M-2 District (Existing dwellings: same as R-3)				

NONCONFORMING USES AND BUILDINGS

§ 152.190 CONTINUATION OF EXISTING USES.

Except as hereinafter specified, any use, building, or structure existing at the time of the enactment of this chapter may be continued, even though such use, building, or structure may not conform with the provisions of this chapter for the district in which it is located.

Statutory reference:

Nonconforming uses; retroactive measures, see R.C. § 713.15

§ 152.191 EXTENSIONS; SUBSTITUTIONS; CHANGE TO CONFORMING USE.

No existing building or premises devoted to a use not permitted by this chapter in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:

(A) Substitution or extension. When authorized by the Board, in accordance with the provisions of 152.025 through 152.036, the substitution for a nonconforming use of another not more objectionable nonconforming use, or an extension of a nonconforming use, may be made, but not both a substitution and an extension.

(B) Extension on adjoining lot. When authorized by the Board, in accordance with the provisions of §§ 152.025 through 152.036, the extension or completion of a building devoted to a nonconforming use on a lot occupied by such building, or on a lot adjoining, may be made, provided that such lot was under the same ownership as the lot in question on the date the use of such building became nonconforming, and where such extension is necessary and identical to the existing use of such building.

(C) Extension inside building. When authorized by the Board, in accordance with the provisions of §§ 152.025 through 152.036, a nonconforming use may be extended throughout those parts of a building which were manifestly designed and arranged for such use prior to the date when such use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.

(D) Nonconforming use made to conform. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

Penalty, see § 152.999

Cross-reference:

Authorization by Board of substitution or extension of nonconforming uses, see § 152.033

Nonconforming use defined, see § 152.004

§ 152.192 REESTABLISHMENT OF ABANDONED USE.

No building, structure, or premises where a nonconforming use has ceased for two years or more shall again be put to a nonconforming use.

Penalty, see § 152.999

§ 152.193 DISCONTINUANCE OF NONCONFORMING USE.

All nonconforming uses of land not involving any building or structure may be continued for a period of two years after the date of enactment of this chapter, at the end of which period such nonconforming use shall cease or shall be changed to a conforming use.

§ 152.194 PERFORMANCE STANDARDS VIOLATIONS.

All uses nonconforming at the time of adoption of this chapter, by reason of noncompliance with the provisions of §§ 152.285 through 152.287, if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within three years of the adoption of this chapter.

§ 152.195 REPLACING DAMAGED BUILDINGS.

Any nonconforming building or structure damaged more than 60% of its then fair market value, exclusive of the foundations, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot or other calamity, or act of God, shall not be restored or reconstructed and used as before such occurrence, but if less than 60% damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it is done within six months of such occurrence.

Cross-reference:

Restoration of unsafe structures, see § 152.061

§ 152.196 REPAIRS AND ALTERATIONS.

Such repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, provided no structural alterations shall be made except such as are required by law or ordinance or authorized by the Board. Except as otherwise provided in this chapter, the total structural repairs and alterations that may be made in a nonconforming building or structure shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed 50% of its assessed value for tax purposes at such date, unless such building or structure is changed to a conforming use.

EXCEPTIONS AND MODIFICATIONS

§ 152.205 LOTS OF RECORD.

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this chapter, irrespective of its area or width, the owner of which does not own any adjoining property, provided that yard spaces satisfy requirements stipulated for the district in

which such lot is located, or requirements as may be modified under § 152.207 (C) or by the Board, as set forth in § 152.036.

§ 152.206 HEIGHT MODIFICATIONS.

(A) Exceptions. The height limitations stipulated elsewhere in this chapter shall not apply to the following:

(1) Farm buildings and architectural features. Barns, silos, or other farm buildings or structures on farms; church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio towers, masts and aerials; parapet walls extending not more than four feet above the limiting height of the building.

(2) Places of public assembly. Places of public assembly in churches, schools, and other permitted public and semipublic buildings, provided that these are located on the first floor of such buildings and provided that for each three feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

(3) Elevator penthouses, water tanks, and towers. Bulk-heads, elevator penthouses, water tanks, monitors, and scenery lofts, provided no linear dimensions of any such structure exceeds 50% of the corresponding street lot line frontage; towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders, or other structures where the manufacturing process requires a greater height.

(B) Minimum requirements. All such structures above the heights otherwise permitted in the district shall not occupy more than 25% of the area of the lot and shall be distant not less than 50 feet in all parts from every lot line not a street lot line.

Penalty, see § 152.999

§ 152.207 FRONT YARD DEPTHS; SLOPED AND DOUBLE FRONTAGE LOTS.

(A) Average depth of front yards. In any R District, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question, and within the same block front, is less or greater than the least front yard depth prescribed elsewhere in this chapter, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of such existing front yards or the average depth on the two lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining. However, the depth of a front yard on any lot shall be at least ten feet and need not exceed 50 feet.

(B) Front yard garage on steep sloped lots. In any R District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along such line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of 12% or less to a private garage conforming with the requirements of this chapter, such garage may be located within such front yard, but not in any case closer than six feet from the street line.

(C) Double frontage lots. Buildings on lots having frontage on two nonintersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

Penalty, see § 152.999

Cross-reference:

Front yard defined, see § 152.004

§ 152.208 COMPUTATION OF YARDS ABUTTING ALLEYS.

In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be. However, no side yard shall be less at any point than three feet and no rear yard less than ten feet. Penalty, see § 152.999

Cross-reference:

Rear and side yard defined, see § 152.004

§ 152.209 SIDE YARD MODIFICATIONS.

(A) Increases. Each side yard, where required, shall be increased in width by two inches for each foot by which the length of the side wall of the building adjacent to the side yard exceeds 40 feet.

(B) Variation where walls not parallel to lot line. Side yard width may be varied where the sidewall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width. However, such side yard shall not be narrower at any point than one-half the otherwise required least width or narrower than three feet in any case.

(C) Corner lots. A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in an R District, shall have a width of not less than one-half the required depth of the front yard on such other lot fronting the side street.

§ 152.210 REDUCTION OF REAR AND SIDE YARDS.

Depth of a rear yard or width of each side yard may be reduced by four inches for each foot by which a lot at the time of enactment of this chapter is less than 100 feet deep or less than 50 feet wide, provided, that no side yard shall be less at any point than three feet, or less, in the case of a side yard along a side street lot line, than five feet, and provided that no rear yard shall be less than ten feet. Width of one side yard may be reduced when authorized by the Board, in the case of a one-family or two-family dwelling, to a width of not less than three feet, provided the sum of the widths of the two side yards is not less than the required minimum, and provided the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than the required minimum sum of the widths of two side yards. However, such reduction may be authorized only when the Board finds it to be warranted by the location of existing buildings or conducive to the desirable development of two or more lots.

Penalty, see § 152.999

Cross-reference:

Reduction of required areas prohibited, see § 152.057

§ 152.211 YARD PROJECTIONS.

Certain architectural features may project into required yards or courts as follows:

(A) Front and side yards. Into any required front yard, or required side yard adjoining a side street lot line, as follows:

(1) Cornices, canopies, eaves, or other architectural features may project a distance not exceeding two feet, six inches.

(2) Fire escapes may project a distance not exceeding four feet, six inches.

(3) An uncovered stair and necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet in height.

(4) Bay windows, balconies, and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(B) Interior side yards. Subject to the limitations in division (A) above, the above-named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one-third of the required least width of such side yard, but not exceeding three feet in any case.

(C) Rear yards. Subject to the limitation in division (B) above, the features named therein may project into any required rear yards the same distances they are permitted to project into a front yard. However, landings or porches may be covered and may project a distance not exceeding ten feet, but not closer than ten feet from the rear lot line.

Penalty, see § 152.999

Cross-reference:

Encroaching garage doors, see § 152.059

§ 152.212 FENCES, WALKS, AND HEDGES.

Fences, walks, and hedges may be located in required yards as follows:

(A) If not exceeding, at any point, four feet in height above the elevation of the surface of the ground at such point, such features may be located in any yard.

(B) If not exceeding, at any point, six feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard.

Cross-reference:

Fences and hedges interfering with visibility across corner lots, see § 152.056

§ 152.213 AREA REQUIREMENTS WHERE SANITARY FACILITIES NOT AVAILABLE.

In any district, where neither a public water supply nor a public sanitary sewer is accessible, the otherwise specified lot area and frontage requirements, if less than the following, shall be lot area, 20,000 square feet and lot frontage at building line, 100 feet. However, where a public water supply system is accessible and will be installed, these requirements shall be 10, 000 square feet and 75 feet, respectively.

OFF-STREET PARKING AND LOADING

§ 152.220 LOADING SPACE REQUIREMENTS.

(A) (1) When and number required. In any district, in connection with any building or part thereof hereafter erected or altered and which is to be occupied by manufacturing, stores, warehouses, goods display, retail commercial, wholesale commercial, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses requiring the receipt or distribution by truck of materials or merchandise, there shall be provided and maintained, on the same lot with such buildings, off-street loading space in accordance with the following schedule:

FLOOR AREA OF BUILDING (SQUARE FEET)	TOTAL NUMBER OF OFF-STREET LOADING SPACES
10,000 or less	0
Over 10,000 to 20,000	1
Over 20,000 to 40,000	2
Over 40,000 to 60,000	3
Over 60,000 to 80,000	4
Over 80,000 to 100,000	5

(2) Where the floor area of the building exceeds 100,000 square feet, the number of off-street loading spaces shall be determined by the Board.

(B) Dimensions. Each loading space shall be not less than ten feet in width, 25 feet in length and 14 feet in height.

(C) May occupy required yard. Subject to limitations in division (D) below, such space may occupy all or any part of any required yard.

(D) Distance from R Districts. No such space shall be closer than 50 feet from any other lot located in any R District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six feet in height.

Penalty, see § 152.999

Cross-reference:

Requirements for shopping centers, see § 152.273 (E)

§ 152.221 PARKING SPACE.

(A) When required. In all districts, in connection with every industrial, business, institutional, recreational, residential, or other use, there shall be provided, at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for automobiles in the same or a less restricted district as those in which such uses are permitted in accordance with the requirements herein.

(B) Minimum size. Each off-street parking space shall have an area of not less than 160 square feet, exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be less than 1,000 square feet in area.

(C) Access. There shall be adequate provision for ingress and egress. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading or unloading spaces required hereunder in such a manner as to secure the most appropriate development of the property in question. Such access drive shall be 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, provided, however, that one-way aisles for either ingress or egress for uses other than dwellings may be reduced to not less than ten feet in width. Such access drive or easement shall not be located in any R District, except where provided in connection with a use permitted in an R District.

(D) Type. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this chapter.

Penalty, see § 152.999

Cross-reference:

Application to all districts, see § 152.058

Parking area and space defined, see § 152.004

Requirements for residential developments, see § 152.274 (E)

Requirements for shopping centers, see § 152.273 (E)

§ 152.222 LOCATION OF PARKING FACILITIES.

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building such facility is required to serve.

(A) One- and two-family dwellings. On the same lot with the building they are required to serve.

(B) Multiple dwellings. Not more than 200 feet from the building they are required to serve.

(C) Commercial and institutional uses. For uses located and first permitted in the B-1, B-2, and B-3 Districts, and for hospitals, sanitariums, asylums, orphanages, rooming houses, lodging houses, club

rooms, fraternity and sorority houses, not more than 300 feet from the building they are required to serve.

(D) Other uses. For uses other than those specified above, not more than 1,000 feet from the building they are intended to serve.
Penalty, see § 152-999

§ 152.223 UNITS OF MEASUREMENT.

For purposes of this chapter, the following units of measurement shall apply:

(A) Floor area. In the case of offices, merchandising or service types of uses, **FLOOR AREA** means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. The term **FLOOR AREA** does not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing, or packaging of merchandise; for show windows, offices incidental to the management or maintenance of stores or buildings, toilet or rest rooms, utilities or for dressing rooms, fitting or alteration rooms.

(B) Hospital bassinets. In hospitals bassinets shall not be counted as beds.

(C) Places of public assembly; benches. In places of public assembly in which patrons or spectators occupy benches, pews or other such seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities.

§ 152.224 CHANGES IN USE, ADDITIONS, AND ENLARGEMENTS.

Whenever in any building there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement hereinafter specified for the determination of required off-street parking spaces, additional off-street parking facilities shall be provided on the basis of the increased requirements of the new use or other unit of measurement. However, in case such change in use creates a need for an increase in off-street parking spaces of less than 10% of the parking facilities previously provided, no additional parking facilities shall be required.

§ 152.225 MIXED OCCUPANCIES AND USES NOT SPECIFIED.

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned in § 152.228, the requirements for off-street parking facilities for a use which is so mentioned, and to which such use is similar, shall apply. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified for joint use in § 152.227.

§ 152.226 COLLECTIVE PROVISION.

Nothing in this chapter shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the -various uses computed separately and provided also, that the requirements set forth in § 152.222 as to maximum distances between parking areas and establishments served shall apply to each such establishment participating in the collective provision of parking.

§152.227 JOINT USE OF FACILITIES.

(A) Not more than 50% of the off-street parking facilities required under this chapter for a theater, bowling alley, dance hall, or an establishment for sale and consumption on the premises of food, alcoholic beverages, or refreshments, and up to 100% of such facilities required for a church or an auditorium incidental to a public or parochial school, may be supplied by off-street parking facilities

provided for certain other kinds of buildings or uses specified in division (B) below, which are not normally open, used or operated during the principal operating hours of theaters, churches, or the aforesaid establishments, and not more than 50% of the off-street parking facilities required under this chapter for certain buildings or uses specified in division (B) below may be supplied by such facilities provided for theaters, churches, or other aforesaid establishments, provided that a properly drawn legal instrument is executed by the parties concerned for the joint use of the off-street parking facilities. Such instrument, duly approved as to form and manner of execution by the Village Solicitor, shall be filed with the application for a building permit.

(B) Buildings or uses not normally open, used, or operated during the principal operating hours of theaters, churches, or other of the aforesaid establishments are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing buildings, and similar uses.

Penalty, see § 152.999

§ 152.228 NUMBER OF PARKING SPACES REQUIRED.

(A) Listed uses. The number of off-street parking spaces required shall be as set forth in the following:

USE	PARKING SPACES REQUIRED
Automobile or machinery sales and services garages	One for each 800 sq. Ft. of floor area.
Banks, business, and professional offices	One for each 400 sq. Ft. of floor area.
Bowling Alleys	Five for each alley.
Churches and schools	One for each ten seats in an auditorium or one for each 20 classroom seats, whichever is greater.
Dance halls and assembly halls without fixed seats; exhibition halls, except church assembly rooms in conjunction with an auditorium	One for each 100 sq. Ft. of floor area used for assembly or dancing.
Dwellings	One for each family of dwelling unit.
Funeral homes	Four for each parlor or one for each 50 sq. Ft. of floor area.
Furniture and appliance stores, household equipment or furniture repair shops over 1,000 sq. Ft. of floor area	One for each 400 sq. Ft. of floor area.
Hospitals	One for each four beds
Hotels, lodging houses	One for each two bedrooms.
Libraries, museums or art galleries	One for each 500 sq. Ft. of floor area.
Manufacturing plants, research or testing laboratories, bottling plants over 1,000 sq. Ft. in area	One for each four employees on the maximum working shift or 1,500 sq. Ft. of floor area, whichever is greater.
Medical or dental clinics	One for each 200 sq. Ft of floor area.
Motel or motor hotels	One for each living or sleeping unit.
Restaurants, beer parlors, and night clubs over 1,000 sq. Ft in area	One for each 200 sq. Ft of floor area.
Retail stores and shops of over 2,000 sq. Ft. of floor area	One for each 200 sq. Ft. of floor area.
Sanitariums, convalescent homes, and children's homes	One for each six beds.
Sports arenas, auditoriums, theaters, and assembly halls other than schools	One for each six seats.
Wholesale establishments or warehouses	One for each four employees on maximum shift or for each 3,000 sq. Ft. of floor area, whichever is greater.

(B) Uses not listed. In the case of any building, structure, or premise the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which such use is similar, shall apply.

Cross-reference:

Reduction of required spaces prohibited, see § 152.057

§ 152.229 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

(A) 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 R District or institutional premises by a masonry wall or solid fence of acceptable design. Such wall or fence shall be not less than four feet in height and shall be maintained in good condition. In case the capacity of the parking area exceeds 30 vehicles, it shall be screened by a masonry wall of a height herein above prescribed.

(B) Minimum distances and setbacks. No part of any parking area for more than five vehicles shall be closer than ten feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall, provided that parking areas for 25 or more motor vehicles, or for trucks and busses, shall also comply with the provisions of §§ 152.260 through 152.261. If not in R District but adjoining such district, that part of the parking area within 50 feet of any R District shall not be located within 20 feet from the established street right-of-way line.

(C) Surfacing. Any off-street parking area for more than five vehicles shall be surfaced with an asphaltic or portland cement binder pavement so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in any M District, if more than 200 feet distant from any R District, except that a dustless surface shall be provided in any case.

(D) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R District.

Penalty, see § 152.999

§ 152.230 MODIFICATIONS.

The Board may authorize on appeal a modification, reduction, or waiver of the foregoing requirements if it should find that, in the particular case appealed, the peculiar nature of the residential, business, trade, industrial, or other use, or the exceptional shape or size of the property or other exceptional situation or condition would justify such action.

§ 152.231 DOWNTOWN BUSINESS DISTRICT EXEMPT.

The parking and loading space requirements of §§ 152.220, 152.221, and 152.228 shall not apply to the B-2 Business District as shown on the zoning map, provided, that parking and loading facilities, if voluntarily established, shall comply with all standards and specifications of §§ 152.220 (B) through (D) and 152.229.

§ 152.232 RESTRICTED BUSINESS OR INDUSTRIAL ACCESSORY PARKING.

The Board may authorize as a conditional use, subject to the provisions of §§ 152-025 through 152.036, the establishment and operation of an off-street parking area in such sections of any R District which abuts, either directly or across an alley, a B or M District, subject to the following requirements:

(A) Must be accessory. 'Such parking lot shall be accessory to one or more business or industrial establishments located in such adjoining B or M District.

(B) Entrance and exit distance. Each entrance and exit of such parking lot shall be distant at least 20 feet from any adjacent property in any R District.

(C) Signs prohibited. No sign of any kind shall be established and maintained on such parking lot, except signs used for the direction of traffic, handicap accessibility signs and designated space signage.

(D) Repair work prohibited. No automotive repair work or other services shall be conducted on such parking lot.

(E) Other requirements, Such parking lot shall be subject to all applicable requirements of this chapter and to any additional requirements or conditions which may be determined necessary by the Board for the protection of adjacent property.

Penalty, see § 152.999