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## CHAPTER 1185

### SUPPLEMENTARY DISTRICT REGULATIONS

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#### **1185.01 GENERAL.**

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur in order to alleviate or preclude such problems and to promote the harmonious exercise of property rights without conflict.

#### **1185.02 TEMPORARY BUILDINGS AND USES.**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring a temporary Zoning Permit, an application for a Zoning Permit shall be made to the Zoning Inspector at least seven (7) days before the commencement of such use. This application shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

- (a) The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:
  - (1) Real estate sales offices which are not used for dwelling purposes, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2), six- (6) month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Zoning Permit, whichever occurs first.
  - (2) Temporary buildings, construction trailers, offices, equipment, and materials, and storage facilities required in conjunction with construction activity may be permitted in any district for a period of one (1) year, except that six- (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the Zoning Permit for the involved construction activity, whichever occurs first.
  - (3) Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed seven (7) consecutive days shall only be issued three (3) times within any twelve (12) month period to any individual or organization. The application for the temporary Zoning Permit shall be accompanied by written permission of the property owners and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he or she

determines that it encroaches upon more than twenty-five percent (25%) of the required parking area.

- (4) Temporary retail sales and services, such as the sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Zoning Permit valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve (12) month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license and a written statement from the property owner giving his or her permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any event, the Zoning Permit shall be prominently displayed at the site.
- (b) Written application for a temporary permit shall be made to the Zoning Inspector. The application shall include:
- (1) The address of the property and the name, address, and telephone number of the owner and occupant of the property.
  - (2) A description of the business' temporary use sought to be carried on.
  - (3) The number and names of persons to be involved in the business.
  - (4) Any additional information required by the Zoning Inspector to establish the advisability of granting the permit.

**1185.03 LONG-TERM PARKING FACILITIES FOR ALL TYPES OF VEHICLES.**

In addition to complying with all other provisions of this zoning code, the applicant shall comply with the following conditions, whether or not the long-term parking facility is an accessory use or primary use of a lot:

- (a) That no boundary of the proposed parking area is within fifty feet (50') of a residential district boundary.
- (b) That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
- (c) That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
- (d) That fencing and lighting of the facility will be sufficient to provide for its reasonable security.

- (e) That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

**1185.04 ADULT ENTERTAINMENT BUSINESS.**

In addition to complying with all regulations within the district where they are located, all adult entertainment business shall comply with the following criteria:

- (a) No adult entertainment business shall be permitted in a location which is within one thousand five hundred feet (1,500') of another adult entertainment business.
- (b) No adult entertainment business shall be permitted in a location which is within one thousand feet (1,000) of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.
- (c) No adult entertainment business shall be permitted in a location which is within five hundred feet (500') of any residence or boundary of any residential district.

**1185.05 CHILD CARE.**

- (a) Home operated child care with an average daily attendance of six (6) children or less are allowed in any residential district. No zoning permit is required for this type of child care.
- (b) Home operated child care with between seven (7) and twelve (12) children in average daily attendance may also be allowed in a residential district as either a permitted or conditional use. The petitioner shall be required to obtain a zoning permit by proving that he or she has complied with all applicable state laws, and copies of the state permits shall be filed with the Zoning Inspector. The zoning permit will expire on a yearly basis. The zoning permit shall be renewed by the Zoning Inspector with proof that the petitioner has complied with all applicable state laws governing child care centers.
- (c) Child care centers with more than twelve (12) children in attendance are subject to the following regulations:
  - (1) The petitioner obtains all necessary state licenses or certifications required for providing day care for infants, pre-school, and/or school age children.
  - (2) Provisions are made for off-street parking and loading facilities and such fencing, screening, and landscaping as required to prevent undue detriment to the area.
- (d) Review of a child care center shall include, but is not limited to:
  - (1) Proof of all necessary state licenses or certifications required for providing day care for infants, pre-school, and/or school age children.

- (2) Location of the site and the site size and configuration relative to development of the adjoining area and the effect of activities on the site of the adjacent property.
- (3) Number of children to be accommodated in the center, service area, type of program, teacher-child ratios, and personnel qualifications.

In order to operate a child care center, the petitioner must apply for a child care center permit with an application fee adopted by resolution by the City Council. The application will be reviewed by the Zoning Inspector who has the power to grant or deny the permit. If the Zoning Inspector denies the permit, the petitioner may appeal to the Board of Zoning Appeals for reconsideration of issuance of the permit.

#### **1185.06 HOME OCCUPATIONS.**

Home Occupations shall not require a permit and shall comply with all of the following regulations:

- (a) Only members of the immediate family residing on the premises shall be engaged in the proposed use.
- (b) Sales of commodities on the premises shall not be permitted.
- (c) Outside storage related to the home occupation may be permitted if totally screened from adjacent residential lots, provided the application so specifies.
- (d) Not more than thirty percent (30%) of the gross floor area of any residence shall be devoted to the proposed home occupation.
- (e) The external appearance of the structure in which the use is to be conducted shall not be altered and not more than one (1) sign no larger than two square feet (2 s.f.) shall be mounted flush to the wall of the structure.
- (f) Minor or moderate alterations (non-structural) may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
- (g) No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- (h) No more than two (2) additional parking places which shall not be located in a required front yard may be proposed in conjunction with the home occupation.
- (i) The home occupation permission shall expire in the event of change of ownership of the property at the location for which it was issued or any change in location of the original home occupation.

#### **1185.07 JUNK.**

- (a) The accumulation or storage of junk, junk motor vehicles (as defined under **ORC 4513.65**), disabled or inoperative machinery or equipment, vehicles or machinery

parts, rags, or any other discarded objects or debris defined as junk in this Ordinance shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

- (b) No person shall permit litter or junk to accumulate on land owned or occupied to the extent that it blows or spills over onto the property of another.
- (c) Uncontrolled accumulation of litter is a nuisance and is subject to abatement by the City or owners of surrounding land.
- (d) Upon repeated violations of this section, the Zoning Inspector may require the violator to erect a fence or landscaping designed to contain litter.
- (e) Junk Yard Fence Required; Penalty.
  - (1) Any person or corporation operating or maintaining a junk yard as defined in **Ohio R.C. 4737.05**, or **Section 1143** of these Codified Ordinances shall erect and maintain in good order and repair a fence at least six feet (6') in height commencing at the ground level and constructed of non-transparent material so as to obscure the junk in the enclosure from the view of persons outside the enclosure of the junk yard. No advertisement shall be permitted on the fence other than the name of the person owning or operating said junk yard and the nature of the business conducted therein.
  - (2) Whoever violates the provisions of this section shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000) plus the cost of prosecution.

**1185.08      OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS.**

No land or building in any district shall be occupied or used in any manner creating which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises; except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of land or building in any district shall be in violation of this Ordinance if one (1) or more of the following conditions are found to exist at any time:

- (a) The use or storage of flammable or explosive materials if not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities.
- (b) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.

- (c) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
- (d) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
- (e) Vibration discernible by the Zoning Inspector without instruments is present on adjoining lot or property.
- (f) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district.
- (g) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
- (h) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.
- (i) Activity emitting electrical current, radio waves or microwaves which adversely affects the operation of any equipment other than that of the operator.

**1185.09 REFUSE COLLECTION AREAS.**

When any property is located with a residential zoning district, or when any property adjoining an existing residence or residential district, refuse collection areas provided by commercial, industrial, and multi-family residential uses for the collection of trash, garbage, and other refuse, shall be enclosed. Such enclosure must be along three (3) sides by a solid wall or fence, unless within an enclosed building or structure. Such wall or fence shall be constructed to a height that is not less than two feet (2') higher than the height of the trash receptacles. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. In addition, the following requirements shall be met:

- (a) The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
- (b) Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
- (c) Storage areas in residential districts shall utilize such additional screening as required in this Ordinance.

**1185.10 SATELLITE DISH ANTENNAS.**

All satellite dish antennas are considered accessory structures and must meet an applicable setback requirement. No zoning permit is required.

**1185.11 SWIMMING POOLS.**

- (a) **Private Swimming Pools.**

No private swimming pool ("pool"), exclusive of portable swimming pools with a diameter less than twelve feet (12') or with an area of less than one hundred square feet (100 s. f.), shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located. A pool will be considered an accessory use to the main structure.
- (2) A pool may not be located closer than ten feet (10') to any property line. That distance shall be measured from the water's edge and shall not restrict fences, ground level patios, pumps, and similar pool accessories not requiring separate permits.
- (3) Elevated decks for above-ground pools shall not be located closer than ten feet (10') to the property line.
- (4) The swimming pool or the entire property behind the front building on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties, unless sides of the pool are above grade. The fence or wall shall not be less than four feet (4') in height, shall be separate from the wall of the pool, and maintained in good condition with a gate and lock.
- (5) Before construction commences, the petitioner shall obtain a zoning permit, and all permit fees shall be paid.
- (6) Pools, including above-ground pools, may not be located in the front yard of the lot without a variance from the Board of Zoning Appeals.

**(b) Community or Club Swimming Pools.**

Community and club swimming pools are permitted in any district that allows for outdoor recreation or club facilities, and shall comply with the following conditions and requirements:

- (1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- (2) The pool and accessory structure thereto, including the areas used by the bathers, shall not be closer than fifty feet (50') to any property line.
- (3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall not be less than six feet (6') in height and maintained in good condition.

- (4) Before construction commences, the petitioner shall obtain a Zoning Permit under Chapter 1145, a fence permit (where required), a swimming pool permit, and all permit fees shall be paid.

**1185.12 WIRELESS TELECOMMUNICATION TOWER.**

Telecommunication towers are conditionally permitted in any non-residential zoning district (C-1, C-2, M-1, M-1-a, and M-2 Districts), and shall meet the following standards when located within a residential district:

- (a) The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation).
- (b) All accessory buildings shall be screened with fencing, masonry, shrubbery, or other screening as approved by the Planning Commission.
- (c) The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within ninety (90) days of ceasing operations.
- (d) No advertising or illumination other than that required by law may be located on the structure.