

## CHAPTER 1111

### CONDITIONAL ZONING CERTIFICATES

#### 1111.01 PURPOSE

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude and location of such types of land-use activities are many and varied, depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this zoning code for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as conditionally permissible uses and are permitted through the issuance of a conditional zoning certificate, with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

#### 1111.02 APPLICATION PROCEDURE

Any application for a conditional zoning certificate for any land or structure use permitted under this zoning code shall be submitted in accordance with the following procedures:

- A. Consultation with Planning Commission. Prior to the submission of an application for a conditional zoning certificate, the applicant shall consult with the Planning Commission at any of its regular meetings.
- B. Application Submitted to Planning Commission, Fee. Any application shall be submitted on a special form for that purpose and supplied by the Director of Public Safety and Service. Each application shall be accompanied with the appropriate fee, which fee shall not be refundable. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant, and such report shall be furnished to the Planning Commission as soon as is

practicable.

C. Data Required with Application:

1. Form supplied by the Director of Public Safety and Service and completed by applicant.
2. Site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
3. Complete plans and specifications for all proposed development and construction.
4. A statement supported by substantiating evidence regarding the requirements enumerated in Section 1111.04(B).
5. A statement giving the names and addresses set forth on the County Treasurer's mailing list of the owners of all properties contiguous to and directly across the street from such area. (Ord. 44-96. Passed 9-3-96.)
6. The appropriate fee which is nonrefundable.

D. Review by Planning Commission. The Planning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this zoning code. Such review shall be completed and made public within ninety-five (95) days of the first regular monthly meeting of the Planning Commission following the submission of a properly completed application. If the application is submitted at a regular monthly meeting of the Planning Commission, then the ninety-five day period shall begin with the date of that Planning Commission meeting.

E. Hearing.

1. The Planning Commission shall hold a public hearing or hearings upon every application after at least one publication in a newspaper of general circulation in the city at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
2. Written notice of the hearing shall be mailed by the office of The Director of Safety and Service at least seven (7) days prior to the hearing to the owners of property contiguous and directly across the street from such area to the address of such owners appearing on the County Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance or regulation. (Ord. 44-96. Passed 9-3-96.)

- F. Issuance and Revocation of Certificates, Violation and Penalty. Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Planning Commission issue a conditional zoning certificate. The conditional zoning certificate is a permissive use of land for which a building permit or certificate of occupancy shall be issued within one year of its adoption. If such a permit or certificate has not been issued within this time period, the conditional use shall be automatically repealed without further action of the Planning Commission. The breach of any condition, safeguard or requirement shall automatically invalidate the certificate granted and shall constitute a violation of this zoning code. Such violation shall be punishable as per Section 1117.
- G. Termination of a Conditional Zoning Certificate. A conditional zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started or use has changed.
- H. Re-application. No application for a conditional zoning certificate which has been denied wholly or in part by the Planning Commission shall be re-submitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration, as determined by the Planning Commission. At the expiration of one year from the date of the original application, each re-application shall be accompanied by the appropriate fee.
- I. Continuation of Existing Uses Conditionally Permissible. All uses existing at the time of passage of this zoning code and conditionally permissible in their respective districts under this zoning code shall be issued conditional zoning certificates by the Planning Commission within one year after the passage of this zoning code.

### **1111.03 FEES AND COSTS**

The fee for a conditional zoning certificate is listed in the schedule of fees in Section 1117.08 of this ordinance.

### **1111.04 BASIS OF DETERMINATION**

- A. Conditions to Be Met. The Planning Commission, prior to the issuance of a conditional zoning certificate, shall establish by clear and convincing evidence that the general standards hereinafter set forth and the specific regulations in Section 1111.05 pertinent to each proposed use have been substantially met and satisfied by the applicant seeking the zoning certificate. The Commission may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, for preserving the aesthetic quality of the city, and for ensuring that the intent and objectives of this zoning code will be observed.

B. General Standards. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards:

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Land Use and Thoroughfare Plan of current adoption and this zoning code.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
6. All structures, roads and utilities shall be in compliance with the city subdivision regulations, the Board of Health standards, and the city building code.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
8. Even though all conditions in 1111.04, 1111.05 and 1111.06 are met, this does not by itself assure the issuance of a conditional zoning certificate if the Planning Commission determines the issuance of such a certificate would be detrimental to the public health, safety, comfort, convenience, morals, prosperity or general welfare of the community. If the Planning Commission refuses to issue a conditional zoning certificate when all conditions in 1111.04, 1111.05 and 1111.06 are met, the Planning Commission must provide to the applicant in writing the reasons as to why the certificate was denied.

- C. Renewal of Conditional Zoning Certificate. The Planning Commission may require a conditional zoning certificate be on a periodic renewal basis. The period of time will be determined by the Planning Commission.

**1111.05 PERMITTED CONDITIONAL USES**

- A. Any of the following uses may be permitted as a conditional use if approved by the Planning Commission:
1. Automobile dealers, trailer and farm implement sales and service, and storage, both new and used. Not permitted in a residential district. Subject to 1111.06(B), subsections 1, 4, 22, 31.
  2. Apartments in C-2 and CBDD Districts, subject to 1111.06B, subsection 20.
  3. Automobile laundry (auto laundry of more than one stall or of the production-line type), not permitted in a residential, CBDD and C-2 district, subject to 1111.06(B), subsections 5, 22, 28.
  4. Hotel and motel, not permitted in a residential district, subject to 1111.06(B), subsections 4, 6, 22.
  5. Commercial cemetery, crematory, mausoleum, not permitted in residential or commercial districts, subject to 1111.06(B), subsections 3, 4, 6, 11, 23.
  6. Convenience stores, not permitted in an R District, subject to 1111.06(B), subsection 34.
  7. Churches and other buildings for the purpose of religious worship, subject to 1111.06(B), subsections 3, 4, 6, 10, 12.
  8. Clubs, lodges, party centers, or fraternal organizations, not permitted in a residential district, subject to 1111.06(B), subsections 3, 4, 11, 31 and parking as required in 1107.04(C).
  9. Drive-in banking facilities, not permitted in a residential district, subject to 1111.06(B), subsection 21.
  10. Drive-in establishments, including restaurants, beverage sales, theaters and other similar uses, not permitted in a residential district, subject to 1111.06(B), subsection 21.
  11. Funeral homes or mortuaries, not permitted in a residential district, subject to 1111.06(B), subsection 21.
  12. Gasoline service stations, not permitted in residential CBDD and C-2 districts,

subject to 1111.06(B), subsections 14, 22, 25.

13. Government-owned and/or operated buildings and facilities, subject to 1111.06(B), subsections 4, 6, 7, 10.
14. Government-owned and/or operated parks, playgrounds and golf courses, etc., subject to 1111.06(B), subsections 3, 4, 10.
15. Adult Group Homes, as defined in ORC Chapter 3722, group homes for the mentally retarded or developmentally disabled, for occupancy by 9 to 16 persons, as defined in ORC Chapter 5123, Residential Facilities, as defined in ORC 5119 providing services to one or more persons and other similar social service and institutional uses with greater than eight occupants subject to 1111.06(B), subsection 33. (Ord. 89-99, Passed 12-20-99.)
16. Senior Housing and Care Facilities. Independent Senior Housing and Senior Congregate Living shall comply with 1111.06(B), subsections 10, 26. Nursing homes, rest homes, assisted living facilities, adult day-care and similar establishments shall comply with 1111.06(B), subsections 10, 13. Any combination of these uses shall comply with all regulations independently. (Ord. 89-99, Passed 12-20-99).
17. Home occupations, subject to 1111.06(B), subsection 18.
18. Incineration of solid or liquid waste, permitted in an I-2 district only, subject to 1111.06(B), subsection 19.
19. Institution for higher education, subject to 1111.06(B), subsections 3, 4, 6.
20. Institutions for medical care, hospitals, clinics providing services to humans, sanitariums, medical offices, and philanthropic institutions, not recommended in an R District, subject to 1111.06(B), subsections 3, 4, 5, 7, 10.
21. Manufacturing and processing establishments permitted in a C-2 commercial district only, subject to 1111.06(B), subsection 16.
22. Multifamily dwellings including apartments in R-1, R-2, and R-3 districts, subject to 1111.06(B), subsection 2, 4, 5, 7.
23. Oil and gas wells and brine disposal sites, subject to Chapter 1121 and 1111.06(B), subsection 29.
24. Orphanage, child day-care center, nursery school, subject to 1111.06(B), subsections 3, 4, 10, 32.
25. Planned Unit Development, subject to Chapter 1112.

26. Public rental storage buildings (mini-warehousing) in I-Industrial only. Subject to 1111.06(B), subsection 36.
27. Private recreational facilities with or without structures in a residential district, subject to 1111.06(B), subsections 3, 4.
28. Parking (off-street and not required by Chapter 1107), including parking lots, decks and garages for commercial and industrial uses, not permitted in a residential district, subject to 1111.06(B), subsection 3; and Chapter 1107.
29. Public, parochial and private schools, subject to 1111.06(B), subsections 3, 4, 5, 10.
30. Public utility right-of-way and permanent structures, subject to 1111.06(B), subsections 11, 22.
31. This sentence was hereby deleted. (Ord. 89-99, Passed 12-20-99.)
32. Rooming, lodging or boarding house, bed and breakfast, subject to 1111.06(B), subsection 4, and 1109.03.
33. Scrap material storage including the baling of scrap paper or rags and outside storage of used lumber and materials salvaged from wrecked structures, subject to 1111.06(B), subsections 11, 19, 24.
34. Temporary building for use incidental to construction work, subject to 1111.06(B), subsections 8, 9.
35. Trailer camp, mobile home park, permitted in R-4 district only, subject to 1111.06(B), subsections 3, 10, 15.
36. Two-family dwelling units, permitted in an R-1 District only. Subject to 1111.06(B), subsection 2.
37. Veterinary hospital or office, or any premise used for the business of providing services to farm and nonfarm domesticated animals, not permitted in a residential district, subject to 1111.06(B), subsections 3, 27.
38. Vehicles (accident-damaged), outside storage of, subject to 1111.06(B), subsections 11, 19.
39. Any premise used for the business of raising, boarding, or providing other services for nonfarm domesticated animals. Permitted only in an I district, subject to 1111.06(B), subsections 3 and 37.
40. Wireless Telecommunications Facilities, subject to Chapter 1125. (Ord. 55-

97. Passed 9-15-97).

41. Recycling collection center, subject to 1111.06(B), subsection 38.

42. Agricultural buildings and uses, subject to 1111.06(B), subsections 1 and 39.

(Ord. 78-95. Passed 12-4-95.)

43. Adult entertainment businesses, not permitted in residential districts, C-1 or C-2 districts. The conditional zoning certificate shall be issued prior to the issuance of licenses required by Chapter 1127. (Ord. 36-98. Passed 7-20-98.)

44. Cluster subdivisions permitted in residential districts only subject to Chapter 1129.  
(Ord. 38-00. Passed 7-17-00.)

45. Outdoor Wood Furnaces, subject to Chapter 1133.  
(Ord. V-07, Passed 1-7-08.)

#### **1111.06 CONDITIONALLY PERMISSIBLE USES, REGULATIONS**

A. The Planning Commission, prior to the issuance of a conditional zoning certificate, shall establish by clear and convincing evidence that the intent and purposes of the following specific regulations that apply to specific conditional permissible uses for each use district have been met and satisfied by the applicant requesting such zoning certificate.

B. In the specific regulations hereinafter detailed, the word "shall" denotes therein that the regulation is a mandatory requirement. In the specific regulations hereinafter detailed, the word "should" denotes therein that the regulation should, under normal use and land occupancy conditions, be met and satisfied prior to the issuance of a conditional zoning permit but may be waived by the Planning Commission if the general standards of 1111.04(B) are not violated.

1. The following conditions apply to all conditional permissible uses:

a. Loudspeakers which cause a hazard or annoyance shall not be permitted.

b. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

- c. Signs, subject to Chapter 1107.
  - d. Parking and loading, subject to Chapter 1109.
  - e. All conditional uses must comply with the district requirements within which it is located unless specifically exempt by this ordinance.
  - f. All quasi-public uses such as, but not limited to, churches, schools, and other similar places of worship or instruction to be located in a residential district shall have a minimum lot requirement of eighty thousand (80,000) square feet. The use shall also comply with all other requirements of the district in which it is located.
  - g. No conditional use will be permitted which is not compatible with adjacent uses.
2. Multifamily housing in R-1, R-2 and R-3 Residential Districts and two-family housing in R-1 District. The area and height regulations may be varied provided that the net residential density will not be less than 5 nor more than 10 units can be built as conditional multifamily housing. The area and height regulations may be varied provided that the net residential density will be not less than:

- a. Land area requirement per dwelling unit:

<u>District</u>	<u>Area Required</u>
R-1	10,000 sq. ft.
R-2	8,500 sq. ft.
R-3	5,000 sq. ft.

- b. Minimum living floor area requirements per dwelling unit:

<u>District</u>	<u>Square Feet Required</u>
R-1	1,100
R-2	1,000
R-3	800

- c. Multifamily dwellings containing over five living units may have some units in size and percentage as described below:

Maximum	Minimum Living Floor Area
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<u>District</u>	<u>Percentage</u>	<u>Square Feet</u>
R-1	20	800
R-2	30	800
R-3	30	750

- d. Multifamily housing in R-1, R-2 and R-3 Residential Districts must meet the minimum lot depth, width and setback requirements of the residential district in which it is located.
  - e. Recreation facilities shall be provided as deemed necessary by the Planning Commission.
  - f. Such uses must be properly landscaped to be harmonious with surrounding residential uses. Where appropriate the Planning Commission may require a buffer zone up to fifty feet (50') between the multifamily structure and the adjoining residential property line.
3. All structures and activity areas should be located at least 50 feet from all property lines. The Planning Commission may reduce the distance to no less than 10 feet where appropriate.
  4. All points of entrance or exit should be located no closer than 200 feet from the intersection of two major thoroughfares; no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare or two local or collector thoroughfares. Such ingress and egress shall be provided as approved by the Planning Commission in order to assure safety for pedestrian and vehicular traffic.
  5. Such structures should be located on a collector or major thoroughfare.
  6. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
  7. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial districts.
  8. Any temporary structures must be indicated as such on site plans submitted to the Planning Commission for approval.
  9. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Planning Commission.
  10. Such uses shall not require uneconomic extensions of utility services at the expense of the community.

11. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
12. Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
13. Such uses must meet the following conditions:

- a. Passive recreation area:

<u>No. of Occupants</u>	<u>Square Feet Per Occupant</u>
1-5	350
6-10	300
Over 10	275

- b. Sleeping Area:

<u>No. of Persons Per Room</u>	<u>Square Feet Per Person</u>
1	120
2	100

- c. Parking area should be in the rear of the building. The need for and type of screening of parking lot will be determined by the Planning Commission.

14. Such uses shall be permitted under the following conditions:

- a. All activities, except those required to be performed at the fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.
- b. No more than two driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty feet in width at the property line.
- c. If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable.
- d. At least a six-inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
- e. Free-standing canopies which serve to protect gas pump customers

from rain or snow are exempted from the building setback requirements of the ordinance. However, such canopy shall not extend over the public right-of-way.

15. It is the intent of this subsection to permit mobile home parks that house only independent mobile homes, and such mobile home parks should be located adjacent to commercial or industrial districts or on major thoroughfares. The area shall be in one ownership or, if in several ownerships, the application shall be filed jointly by all of the owners of the properties included in the plan. The following conditions shall apply:
  - a. In addition to the other requirements of this subsection, the application shall include any other data the Planning Commission may require and must meet all conditions imposed by the Planning Commission.
  - b. Each boundary of the park must be at least 200 feet from any permanent residential building outside the park, and separated therefrom by a natural or artificial barrier.
  - c. The park shall be graded to be well drained.
  - d. Trailer spaces shall be a minimum of 4,000 square feet for each space and at least 40 feet wide and clearly defined.
  - e. There shall be at least a 20 foot clearance between trailers. No trailer shall be closer than 20 feet from any building within the park or 50 feet from any property line bounding the park.
  - f. Each mobile home space shall provide 200 square feet of parking space and shall abut upon a driveway of not less than 20 feet in pavement width, which shall have unobstructed access to a public thoroughfare. All paving shall meet the requirements of city street standards and be lighted at night with electric lamps of not less than 175 watt mercury vapor or 100 watt high pressure sodium, each spaced at intervals of not more than 100 feet and shielded from adjacent properties.
  - g. Each park must provide service buildings to house laundry, storage facilities and offices. Construction shall meet the standards of the city building code. Walkways not less than 2 feet wide, and paved, shall be provided from the trailer spaces to the service buildings.
  - h. An electric outlet supplying at least 110 volts shall be provided for each trailer space.

- i. Each mobile home space shall be provided a water tap at least 4 inches above the ground to supply pure and adequate water for drinking and domestic purposes.
  - j. Each mobile home space shall be provided a trapped sewer at least 6 inches in diameter which connects with a centralized disposal system.
  - k. Adequate garbage and rubbish cans shall be provided not further than 300 feet from any mobile home space.
  - l. Each park shall be equipped at all times with adequate fire extinguishing equipment as determined by the city fire department.
  - m. No pets shall run at large or commit any nuisance within the limits of any mobile home park.
  - n. The permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly, and sanitary condition, free from any condition that will menace the health of any occupant or the public or constitute a nuisance.
  - o. The minimum size of the tract shall be 10 acres and shall not exceed 30 acres in size.
16. Such establishments shall be devoted primarily to selling their output at retail on the premises and employing not more than 10 persons on the premises at any one time.
17. Such uses shall contain no sign for advertising its use.
18. Such uses shall be secondary in importance to the use of the dwelling for dwelling purposes.
- a. Such uses shall be conducted by the occupant with no additional employees.

- b. Such occupations shall be carried on entirely within the dwelling and not in an accessory building; however, the garage may be used provided that the home occupation does not preclude the storage of the number of vehicles for which the garage was designed.
  - c. The conducting of the home occupation shall not occupy more than 20 percent of the floor area of only 1 story.
  - d. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
  - e. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
  - f. Signs as permitted in Section 1109 of this code.
  - g. The proposed use shall not generate noise, odor, fumes, smoke, or vehicular or pedestrian traffic in an amount which would tend to depreciate or change the residential character of the neighborhood in which the proposed use is located.
19. Such uses shall be conducted not closer than 500 feet from any residential district. Where such use abuts upon, but is separated from, an R district by a street, the width of the street may be considered as part of the required setback. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters, or water-carried wastes. Body shops in C-2, C-3, CBDD and I-1 districts may store no more than 10 damaged cars outside on the property.
20. Such uses shall be above the first floor and shall not be detrimental to or in any way detract from the primary purpose or function of C-2 or CBDD districts. Each dwelling unit shall have a minimum living floor area of 550 square feet per family. Two off-street parking spaces shall be provided for each dwelling unit as regulated in Chapter 1107.
21. Locations where such use abuts a residential district or residential use shall also meet the following requirements:
- a. There shall be no driveway entering or exiting such premises within 75 feet of a residential district.
  - b. Such uses shall be properly landscaped to be harmonious with adjacent residential uses, and such landscaping shall be maintained in a neat and orderly condition at all times. A buffer zone along the entire

length of the common boundary between the commercial use and the residential use shall be maintained not less than 10 feet in depth. This buffer zone shall be landscaped with grass, shrubbery or trees, as approved by the Commission. The erection of a visual screen may be required by the Planning Commission along the entire length of the common boundary.

- c. The architectural design of such buildings and appurtenances shall be in general conformity with adjacent development and subject to approval by the Planning Commission.
  - d. One-way traffic circulation in the parking area should be provided, with entrance and exit driveways clearly marked so as to be visible from the street.
22. Such uses should be landscaped to be harmonious with surrounding uses, especially if adjacent to residential uses.
23. Any proposed new commercial cemetery shall be used for cemetery purposes only and shall meet the following requirements:
- a. Only memorial park cemeteries having grave markers flush with the surface of the ground shall be permitted. "Marker" refers to a plaque with the name of the deceased.
  - b. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - c. Minimum area required for a cemetery site shall be forty acres.
  - d. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
  - e. Pavement width of driveways shall be at least twenty feet (ten feet per moving lane).
  - f. Drives shall be of usable shape, improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
  - g. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Planning Commission.

- h. Sufficient parking space shall be provided so as not to deter traffic flow within the cemetery.
- i. Area drainage and/or sanitary facilities are subject to approval by the City Engineer prior to the issuance of a conditional use permit.
- j. Only signs as allowed in Section 1109 of the code are permitted.
- k. Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings. Such shrubs, trees and hedges shall not be less than two feet in height and must be maintained in good condition.
- l. Provisions shall be made for landscaping throughout the cemetery.
- m. Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
- n. No grave sites shall be located within 100 feet of the right-of-way lines of any publicly dedicated thoroughfare.
- o. A grave site shall not be within 200 feet of an existing residence unless the owner of such residence gives his written consent.
- p. Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Planning Commission and the City Engineer. Guarantees shall be in a form approved by the Planning Commission and may be one of the following:
  - (1) A performance bond of twenty-five thousand dollars (\$25,000) for cemeteries of forty acres. An additional five thousand dollars (\$5,000) shall be required for each ten acres over forty acres or for each ten acres added at a later date. The amount of the bond will be reduced annually, and by an amount that will leave the balance of the bond proportional to the portion of the cemetery not developed to the specifications of the plans approved by the Planning Commission and the City Engineer.
  - (2) Other methods as might be worked out by the Planning Commission, Council, developers and their legal advisors.
- q. A trust fund of an amount set by the Planning Commission shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. The trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a

financial institution mutually agreed upon by the developers and Planning Commission. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be an amount set by the Planning Commission. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.

24. Scrap yards shall have front, side and rear setbacks of at least 150 feet. At least a 40-foot wide strip in the 150-foot setback shall be planted for camouflaging purposes according to the following specifications:
  - a. The 40-foot wide strip shall be planted with pine, Norway spruce or other plants of similar screening value.
  - b. Trees shall be planted on a staggered pattern with no more than ten feet between trees.
  - c. The 40-foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect, and no visual openings shall exist.

A minimum area of five acres shall be required for a use proposed under this category.

25. All signs, streamers, announcements, flags, and other attention and/or advertising devices not specifically permitted under Chapter 1109 of this ordinance are prohibited.
26. It is the intent of this subsection to permit appropriately located senior citizen housing developments and allow for a variation in density and parking regulations. The application shall be filed jointly by all of the owners of the properties included in the plan. The following conditions shall apply:
  - a. The development should be located within convenient walking distance of shopping and community facilities.
  - b. The density of development shall be determined by the Planning Commission but may not exceed twenty-six (26) units per acre.
  - c. No dwelling unit in the development shall include more than two bedrooms.
  - d. Size of units: the number of one and two bedroom units within any development shall be determined by the Planning Commission.

- e. Minimum size of units: one bedroom, 540 square feet; two bedroom, 700 square feet.
27. Veterinary hospital or offices:
- a. General requirements for all veterinary hospitals or offices:
    - (1) There shall be no burial or incineration of animals on the premises.
    - (2) All activities relative to animal treatment shall be conducted within a totally enclosed building.
    - (3) Trash storage areas shall be screened from view of adjacent dwellings, commercial buildings or manufacturing establishments.
  - b. All parking areas and driveways adjacent to residential districts shall be separated from adjacent dwellings by a landscaped strip at least ten feet wide. The landscaped strip shall be improved with shrubs, hedges, trees, or a decorative fence to screen parking areas from adjacent dwellings.
  - c. Treatment of small nonfarm and/or ordinary household pets is permitted in C-2 and C-3 districts. Animals kept overnight for treatment must be appropriately confined in an entirely enclosed building.
    - (1) Boarding of any animal is not permitted in C-2 and C-3 districts.
    - (2) Outside runs, kennels or other outdoor confinement areas are not permitted in C-2 and C-3 districts.
  - d. Treatment of farm and other large animals permitted only in an I district. Such animals kept overnight must be appropriately confined in a completely enclosed building.
28. Automatic automobile laundry. Auto laundry of more than one stall or of the production-line type shall be required to provide ten (10) off-street parking spaces per auto laundry unit.
29. Oil/gas wells are prohibited in C-1, C-2, and CBDD districts and in any residential district which has a density of four or more built residential units to the acre, or on any property which has been subdivided to a density of four or

more residential units to the acre, within the drilling unit.

30. Parking lots, decks, or garages adjoining a residential district must be a minimum of 20 feet from the property line. Surface parking lots must provide a 10 foot buffer strip of materials approved by the Planning Commission. Parking decks and garages must be of a design compatible with the adjacent area.
31. A setback of 20 feet shall be required for all activities, including parking of any vehicle or trailer.
32. Prohibited in residential districts except when combined with an existing and approved conditional use for a public facility. Day care centers shall be conditionally permitted in commercial districts. Day care centers shall be conditionally permitted in industrial districts when associated with an industry. All such uses shall demonstrate compliance with State of Ohio requirements for licenses to the City Planning Commission and demonstrate approval from the State of Ohio prior to issuance of a certificate of occupancy for the use. (Ord. 89-99, Passed 12-20-99.)
33. Adult Group Homes, and Group Homes for the physically and mentally disabled and similar uses, must meet the following conditions:
  - a. Such uses shall match adjacent use architectural design and site layout. Fences, walls, screens shall be compatible with adjoining land uses. The design of the uses shall be in a manner consistent and similar to the existing residential character of the neighborhood. Such uses shall meet parking, setback and sign regulations of the residential district.
  2. Such uses shall comply with all requirements from the State of Ohio as necessary and demonstrate such compliance to the City Planning Commission during review of the conditional zoning certificate application.
  3. Such uses shall demonstrate license approval from the State of Ohio as necessary.

(Ord. 89-99, Passed 12-20-99.)

34. Convenience stores may sell self-service gasoline. Hours of operation and number of islands shall be determined by the Planning Commission. They must meet all requirements of this section and the district within which the use is located.
35. Should be located on a secondary street.

36. Public rental storage buildings (mini-warehouses) are subject to the following conditions:
- a. All items must be stored within an enclosed building. No outside storage of any kind shall be permitted.
  - b. The Planning Commission may require such structures to be enclosed by a fence.
  - c. All such facilities shall be landscaped and screened from adjacent properties.
  - d. Loading and unloading space shall be located in the side and rear areas only.
  - e. The facility shall be provided with outside lighting and such lighting shall not shine and create a nuisance on adjacent properties.
  - f. Storage shall be limited to personal property only such as household items, yard and garden equipment, vehicles, boats, trailers, campers and other recreational vehicles. Commercial storage of goods to be processed, assembled, packaged or stored for use in any manufacturing, wholesaling or retailing operation shall not be permitted.
  - g. The Planning Commission may require that a resident manager be provided.
  - h. Such structures shall meet all applicable city and state building and fire regulations.
  - i. Individual building size shall not exceed 250 feet in length and forty feet in width. There shall be a minimum of at least twenty-five feet between buildings.
  - j. Interior drives shall have one-way circulation and shall be paved as required by the City Engineer. Interior drives may serve as a travel lane and a parking lane; in such case the travel lane shall be at least fifteen feet wide and the parking lane at least ten feet wide.
37. Screening of kennels from adjacent properties. There shall be a ten foot wide landscaped strip to shield the kennels from adjacent properties. The landscaped strip shall be improved with shrubs, hedges and trees. If a decorative screen/fence is permitted by the Planning Commission, it must be at least six (6) feet high.

38. Recycling center must be located in an I-2 district and must have 75' setback. It must be no closer than 50' to adjacent property lines. The facility must be 100' from the property line of any R district. All materials must be processed and stored within an enclosed building. No outside storage is permitted.
  
39. Agricultural buildings and uses provided:
  - a. Buildings used to house farm animals shall be located no less than two hundred (200) feet from all property lines.
  - b. Livestock or fowl raising or breeding for commercial purposes shall be permitted on lots of five (5) acres or more.
  - c. Livestock and fowl may not be kept within 150 feet of any residence other than the residence of the person keeping such livestock or fowl. (Ord. H-01, Passed 6-4-01.)

(Ord. 78-95. Passed 12-4-95.)

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