

CHAPTER 1262

District Regulations

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CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restriction in location of buildings and structures - see Ohio R.C. 713.07

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - Ohio R.C. 713.10

Notice and hearing on zoning regulations - see Ohio R.C. 713.12

Violations may be enjoined - see Ohio R.C. 713.13

1262.01 A-1 AGRICULTURAL DISTRICT.

(a) Purpose. The A-1 Agricultural District is hereby created in order that there be areas within the City which are either in agricultural cultivation or open land and which have been annexed to the City but not yet developed at urban densities. This land is to be reserved for agricultural cultivation, very low density residential development and other essentially nonurban activities so that the basically rural character of these areas may be preserved and maintained until such time as the land becomes subject to urban development.

(b) Permitted Uses. The following uses shall be permitted as a use-by-right in the A-1 Agricultural District:

- (1) Any customary agricultural use, building or structure, including nurseries, greenhouses, farming, dairying, pasturage, apiculture, horticulture, floriculture and viticulture;
- (2) One single-family detached dwelling unit (rural farm house or rural nonfarm house);
- (3) Churches and similar places of worship;
- (4) Neighborhood and community parklands and open space; and
- (5) Government buildings, facilities and uses.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the A-1 Agricultural District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

- (1) Cemetery;
- (2) Country club or golf course;
- (3) Kindergarten or day nursery and juvenile and adult group homes;

- (4) Private recreation development;
- (5) Public and parochial schools;
- (6) Public utility substations or exchanges; and

(7) Farm tenant houses or mobile homes, caretakers' cottages and similar uses customarily accessory to agricultural and residential uses, provided there is not more than one such unit for every twenty acres of lot area.

(d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than five acres in land area. No lot width shall be less than 200 feet.

(e) Maximum Building Height. No dwelling shall exceed thirty-five feet in height.

(f) Minimum Yards.

(1) Front. There shall be a minimum setback of not less than thirty-five feet.

(2) Side. There shall be a minimum width on either side of not less than ten feet, with the combined width of both side yards to be not less than twenty-five feet.

(3) Rear. There shall be a minimum depth of not less than forty feet.

(g) Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 1266.05.

(h) Other Development Controls.

(1) Radio or television towers and antennae, flagpoles, stacks, observation towers, water tanks and silos shall be set back a distance equal to the height from all property lines, as measured from ground level.

(2) All permitted uses and conditionally permitted uses in this zone shall require a certificate of approval from the City Engineer, certifying his or her approval of the type and manner of construction to be built (ensuring that such construction shall not cause flood hazard, soil erosion, adverse changes in the natural drainage courses or unnecessary destruction of natural features), which completed certificate shall be submitted to the appropriate board, as required in this Zoning Code, at the time of request.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway or deeded right of way or into any residential zone.

(Ord. 79-56. Passed 11-13-79.)

1262.02 R-1 RESIDENTIAL DISTRICT.

(a) Purpose. The intent of the R-1 Residential District is to reserve certain lands for relatively large lot, detached single-family dwellings. Areas of such low density residential development typically occupy relatively extensive acreage.

(b) Permitted Uses. The following uses shall be permitted as a use-by-right in the R-1 Residential District:

- (1) Detached single-family dwellings; and
- (2) Neighborhood and community parklands and open space.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the R-1 Residential District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

- (1) Cemetery;
- (2) Churches and similar places of worship;
- (3) Country club or private golf course;
- (4) Private recreation development;
- (5) Public and parochial schools;
- (6) Public utility substation or exchange; and
- (7) Institutions for higher education, provided they are located adjacent to an arterial street.

(d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 13, 000 square feet in land area. No lot width shall be less than 100 feet.

(e) Minimum Dwelling Size. For single-family dwellings there shall be a minimum living area standard of 1,700 square feet.

(f) Maximum Building Height. No dwelling shall exceed thirty-five feet in height.

(g) Minimum Yards.

(1) Front. There shall be a minimum setback of not less than thirty-five feet.

(2) Side. There shall be a minimum width on either side of not less than ten feet with the combined width of both side yards to be not less than twenty five feet.

(3) Rear. There shall be a minimum depth of not less than forty feet.

(h) Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 1266.05.

(Ord. 79-56. Passed 11-13-79; Ord. 85-49. Passed 10-22-85 Ord. 96-5. Passed 3-27-96.)

1262.03 R-2 RESIDENTIAL DISTRICT.

(a) Purpose. The intent of the R-2 Residential District is to reserve certain land areas for single-family homes on larger than average-sized lots and to designate new, undeveloped land areas for such residential development and housing.

(b) Permitted Uses. The following uses are permitted as conditional uses in the R-2 Residential District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

(1) Cemetery;

(2) Churches and similar places of worship;

(3) Country club or golf course;

(4) Kindergarten or day nursery;

(5) Private recreational development;

(6) Public and parochial schools ;

(7) Public utility substations or exchanges;

(8) Institutions of higher education, provided they are located adjacent to an arterial street; and

(9) Fire and police stations, provided they are located adjacent to an arterial street.

(c) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 11, 000 square feet in land area. No lot width shall be less than ninety feet.

(d) Minimum Dwelling Size. For single-family dwellings there shall be a minimum living area standard of 1,500 square feet.

(e) Maximum Building Height. No dwelling shall exceed thirty-five feet in height.

(f) Minimum Yards.

(1) Front. There shall be a minimum setback of not less than thirty-five feet.

(2) Side. There shall be a minimum width on either side of not less than ten feet, with the combined width of both side yards to be not less than twentyfive feet.

(3) Rear. There shall be a minimum depth of not less than thirty-five feet.

(g) Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 1266.05.

(Ord. 79-56. Passed 11-13-79; Ord. 84-7. Passed 4-10-84; Ord. 85-49. Passed 10-22-85; Ord. 96-5. Passed 3-27-96.)

1262.04 R-3 RESIDENTIAL DISTRICT.

(a) Purpose. The intent of the R-3 Residential District is to reserve certain land area for single-family homes on larger than average-sized lots, both to reflect some existing residential development, and to designate new, undeveloped land area for such development.

(b) Permitted Uses. The following uses shall be permitted as a use-by-right in the R-3 Residential District:

(1) Detached single-family dwellings; and

(2) Neighborhood and community parklands and open space.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the R-3 Residential District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

- (1) Cemetery;
- (2) Churches and similar places of worship;
- (3) Country club or golf course;
- (4) Kindergarten or day nursery;
- (5) Private recreation development;
- (6) Public and parochial schools;
- (7) Public utility substations or exchanges;
- (8) Fire and police stations, provided they are located adjacent to an arterial street;
- (9) Institutions of higher education, provided they are located adjacent to an arterial street; and
- (10) Hospital.

(d) Minimum Lot Area and Width. There shall be permitted zoning lots of not less than 9,500 square feet in land area. No lot width shall be less than eighty feet.

(e) Minimum Dwelling Size. For single-family dwellings there shall be a minimum living area standard of 1,300 square feet.

(f) Maximum Building Height. No dwelling shall exceed thirty-five feet in height.

(g) Minimum Yards.

(1) Front. There shall be a minimum setback of not less than thirty feet.

(2) Side. There shall be a minimum width on either side of not less than ten feet, with the combined width on both side yards to be not less than twenty feet.

(3) Rear. There shall be a minimum depth of not less than thirty feet.

(h) Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 1266.05.

(Ord. 79-56. Passed 11-13-79 ; Ord. 96-5. Passed 3-27-96.)

1262.05 R-4 RESIDENTIAL DISTRICT.

(a) Purpose. The intent of the R-4 Residential District is to designate certain land for the combined development of both detached single-family dwellings and two-family dwellings, thereby allowing for a somewhat higher than average density level yet retaining essentially a single-family character. The intent of the R-4 Residential District is to reflect existing conditions where the residential development and housing are largely built up.

(b) Permitted Uses. The following uses shall be permitted as a use-by-right in the R-4 Residential District:

- (1) Detached single-family dwellings;
- (2) Two-family dwellings; and
- (3) Neighborhood and community parklands and open space.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the R-4 Residential District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

- (1) Churches and similar places of worship;
- (2) Fraternal lodges and private clubs;
- (3) Hospitals and juvenile and adult group homes;
- (4) Kindergarten or day nursery;
- (5) Private recreation development;
- (6) Public and parochial schools;
- (7) Public utility substations or exchanges;
- (8) Mobile home parks, subject to the procedure specified in Section 1266.01; and
- (9) Fire and police stations, provided they are located adjacent to an arterial street.

(Ord. 79-56. Passed 11-13-79.)

(10) Nursing homes.

(Ord. 82-9. Passed 3-9-82.)

(d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 8,000 square feet in land area for detached single-family dwellings and not less than 12,500 square feet for two-family attached dwellings. No lot shall be less than seventy feet for single-family dwellings or less than 100 feet for two-family dwellings.

(Ord. 79-56. Passed 11-13-79.)

(e) Minimum Dwelling Size. For single-family dwellings there shall be a minimum living area standard of 1,300 square feet. For two-family dwellings there shall be a minimum living area standard of 1,200 square feet per dwelling unit.

(Ord. 96-5. Passed 3-27-95.)

(f) Maximum Building Height. No dwelling shall exceed thirty-five feet in height.

(g) Minimum Yards.

(1) Front. There shall be a minimum setback of not less than twentyfive feet.

(2) Side. There shall be a minimum width on either side of not less than eight feet, with the combined width of both side yards to be not less than 20 feet.

(3) Rear. There shall be a minimum depth of 25 feet.

(h) Required Off Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 1266.05.

(Ord. 79-56. Passed 11-13-79.)

1262.06 R-5 RESIDENTIAL DISTRICT.

(a) Purpose. The primary intent of the R-5 Residential District is to designate vacant lands for new higher density residential development and housing in order to accommodate multifamily dwellings and detached single-family and attached two-family dwellings.

(b) Permitted Uses. The following uses shall be permitted as a use-by-right in the R-5 Residential District:

(1) Detached single-family dwellings;

(2) Two-family dwellings;

(3) Multi-family dwellings, including garden apartments, townhouses, row dwellings and condominium units; and

(4) Neighborhood and community parklands and open space.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the R-5 Residential District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

(1) Churches and similar places of worship;

(2) Fraternal lodges and private clubs;

(3) Hospitals and juvenile and adult group homes;

(4) Kindergarten or day nursery;

(5) Nonresidential off street parking areas;

(6) Private recreation development;

(7) Public and parochial schools;

(8) Public utility substations or exchanges;

(9) Fire and police stations, provided they are located adjacent to an arterial street;.

(10) Institutions for higher education, provided they are located adjacent to an arterial street; and

(11) Funeral homes and mortuaries.

(Ord. 79-56. Passed 11-13-79; Ord. 81-28. Passed 8-11-81; Ord. 82-9. Passed 3-9-82; Ord. 01-6. Passed 2-13-01.)

(d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 8,000 square feet in land area for detached single-family dwellings, 12,500 square feet for attached two-family dwellings and a minimum of three acres for multi-family developments, with a density not to exceed eight units per acre. The minimum lot width for a single-family dwelling shall be 70 feet; 80 feet for a two-family dwelling; and 100 feet for multi-family dwellings.

(Ord. 90-15. Passed 5-8-90.)

(e) Minimum Dwelling Size. For multi-family dwellings there shall be a minimum floor area of 500 square feet for efficiency units, 650 square feet for one-bedroom units and 120 square feet for each additional bedroom. For single-family dwellings there shall be a minimum living area standard of 1,300 square feet. For two-family dwellings there shall be a minimum living area standard of 1,200 square feet per dwelling unit.

(Ord. 96-5. Passed 3-27-95.)

(f) Maximum Building Height. No single-family structure shall exceed 35 feet in height and no multi-family dwelling shall exceed 50 feet in height.

(g) Minimum Yards.

(1) Front. There shall be a minimum setback of not less than 30 feet for single and two-family dwellings and not less than 40 feet for multifamily dwellings.

(2) Side. There shall be a minimum width on either side of not less than eight feet, with the combined width of both side yards to be not less than 18 feet.

(Ord. 79-56. Passed 11-13-79.)

(3) Rear. There shall be a minimum depth of not less than 25 feet.

(Ord. 82-4. Passed 1-12-82.)

(h) Required Off-Street Parking. Off street parking shall be provided in accordance with the requirements specified in Section 1266.05.

(Ord. 79-56. Passed 11-13-79; Ord. 04-18. Passed 8-10-04.)

1262.07 O-1 OFFICE/MULTIFAMILY RESIDENTIAL DISTRICT. (REPEALED)

(Editor's note: Section 1262.07 was repealed by Ordinance 91-18, passed November 26, 1991. See Section 1262.075.)

1262.075 O-1 OFFICE DISTRICT.

(a) Purpose. The intent of the O-1 Office District is to designate certain lands for single- and two-family residential uses as well as professional offices, and thereby to act as a transition zone between commercial and residential areas.

(b) Permitted Uses. The following uses shall be considered uses-by-right in an O-1 Office District:

- (1) Single-family homes;
- (2) Two-family homes; and
- (3) Professional activities.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the O-1 Office District, subject to approval by the Administrative Board for Planning and Zoning Appeals and the subsequent issuance of a conditional use permit therefor:

- (1) Attached single-family homes;
- (2) Fraternal lodges and private clubs;
- (3) Kindergartens or day nurseries;
- (4) Nonresidential off-street parking;
- (5) Public utility substations or exchanges;
- (6) Funeral homes and mortuaries; and
- (7) Churches and similar places of worship.

(d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 8,000 square feet in land area for detached single-family dwellings, 12,500 square feet for attached two-family dwellings, and 6,000 square feet each for attached single-family dwellings in excess of two. Minimum lot widths shall be 80 feet for residential uses and 75 feet for nonresidential uses. Zoning lots for nonresidential uses shall have a minimum land area of 10,000 square feet.

(e) Minimum Dwelling Size. Dwellings shall have a minimum floor area of 900 square feet of living area.

(f) Maximum Building Height. No residential or commercial structure shall exceed 35 feet in height.

(g) Minimum Yards.

- (1) Front. There shall be a minimum depth of not less than 25 feet.

(2) Side. There shall be a minimum width on either side of not less than eight feet, with the combined width of both side yards to be not less than 18 feet.

(3) Rear. There shall be a minimum depth of not less than 25 feet.

(h) Required Off-Street Parking. Off street parking shall be provided in accordance with the requirements specified in Section 1266.05.

(i) Minimum Design Standards. A minimum of 65% of all exterior building elevations facing or visible from a public right-of-way shall be full-sized standard brick or stone, excluding windows and doors. The remaining 35% of the building shall consist of textured concrete block, masonry product, steel, architectural metal or other similar building material; however, in no case shall plain concrete block, vinyl, wood board or aluminum siding be a suitable building material on any portion of the building. Exterior walls not facing or visible from a public right-of-way must be constructed of a product similar and complementary to materials on other elevations of the building. Additions to existing buildings may continue with similar exterior material to maintain architectural continuity. All exterior building colors shall be of earth tone. Alternate materials will be reviewed and evaluated on the merit of their building design by the Planning Commission at the request of the property owner.

(Ord. 79-56. Passed 11-13-79; Ord. 90-15. Passed 5-8-90; Ord. 91-18. Passed 11-26-91; Ord. 04-15. Passed 7-13-04.)

1262.08 C-1 NEIGHBORHOOD SHOPPING DISTRICT.

(a) Purpose. The intent of the C-1 Neighborhood Shopping District is to designate certain lands for convenience goods and personal service establishments whose primary service area encompasses the persons residing in the immediately adjacent residential areas.

(b) Permitted Uses. The following uses shall be permitted as uses by right in the C-1 Neighborhood Shopping District. However, unless a use is specifically listed to the contrary, no use shall be permitted as a use by right in a C-1 District that is not also permitted as a use by right in a C-3 District, and no use listed herein shall be accommodated by a gross floor area per zoning lot exceeding 5,000 square feet.

- (1) Bakery and bakery goods store, provided the products are sold exclusively on the premises;
- (2) Barber and beauty shop;
- (3) Delicatessen store;
- (4) Drug store;
- (5) Dry cleaning and laundry pick-up station;
- (6) Convenience food store;
- (7) Library;
- (8) Locksmith shop;
- (9) Police and fire stations;
- (10) Post office;
- (11) Business and professional offices, including real estate, insurance and finance offices;
- (12) Medical and dental offices;
- (13) Bicycle sales, rental and repair;
- (14) Books, magazines and newspaper retail sales;
- (15) Costume rental;
- (16) Florists and retail garden stores;
- (17) Furniture and upholstery repair, provided all work is accomplished in a completely enclosed structure;
- (18) Hobby shops, including art supplies;
- (19) Portable electric appliance repair;
- (20) Radio and television repair;
- (21) Shoe repair;
- (22) Watch, clock and jewelry repair; and

(23) Retail sales outlets not exceeding 5,000 square feet in gross floor area and specializing in only one major merchandise category. Examples include, but are not limited to, apparel sales, automotive parts sales and jewelry stores.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the C-1 Neighborhood

Shopping District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

- (1) Medical clinics;
 - (2) Public utility substations or exchanges;
 - (3) Restaurants (sit-down and carry-out);
 - (4) Automobile service stations, including automobile repair, provided that all repair work, except that of a minor nature (e.g. change of a fan belt, a minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc.), is conducted wholly within a completely enclosed building, and provided, further, that such service station is located adjacent to an arterial street as designated in the Official Thoroughfare Plan;
 - (5) Drive-through windows ancillary to principally permitted or conditionally permitted uses;
 - (6) Charitable collection bins; and
 - (7) Automobile convenience service facilities.
- (d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 7,500 square feet in land area and a lot width not less than 60 feet.
- (e) Maximum Building Height. No commercial structure shall exceed 35 feet in height.
- (f) Minimum Yards.
- (1) Front. There shall be a minimum setback of not less than 30 feet.
 - (2) Side. None required if a party wall is agreed to by adjoining property owners, otherwise six feet, except that there shall be a minimum width of 25 feet when adjacent to any "A," "R" or "S-PUD" District.
 - (3) Rear. There shall be a minimum depth of 25 feet.
 - (4) Abutting residential zones. If there is an abutting residential zone, a 25-foot landscaped perimeter area, in accordance with Section 1266.03(d), shall be provided along common lot lines on all nonresidential abutting zoning lots larger than two acres, and on all other nonresidential zoning lots, unless a six foot masonry wall or opaque wooden fence separates parking areas from residential lot lines, and such parking areas are used only for noncommercial vehicles.
 - (g) Required Off-Street Parking. Off street parking shall be provided in accordance with the requirements specified in Section 1266.05.
 - (h) Required Building Enclosure. All business and service establishments shall be conducted wholly within a completely enclosed building.
 - (i) Minimum Design Standards. A minimum of 65% of all exterior building elevations facing or visible from a public right-of-way, shall be full-sized standard brick or stone, excluding windows and doors. The remaining 35% of the building shall consist of textured concrete block, masonry product, steel, architectural metal or other similar building material, however, in no case shall plain concrete block, vinyl, wood board or aluminum siding be a suitable building material on any portion of the building. Exterior walls not facing or visible from a public right-of-way must be constructed of a product similar and complementary to materials on other elevations of the building. Additions to existing buildings may continue with similar exterior material to maintain architectural continuity. All exterior building colors shall be of earth tone. Alternate materials will be reviewed and evaluated on the merit of their building design by the Planning Commission at the request of the property owner.

(Ord. 79-56. Passed 11-13-79; Ord. 80-51. Passed 10-14-80; Ord. 81-11. Passed 4-14-81; Ord. 85-44. Passed 8-13-85; Ord. 85-49. Passed 10-22-85; Ord. 88-7. Passed 4-26-88; Ord. 89-22. Passed 5-23-89; Ord. 90-15. Passed 5-8-90; Ord. 91-4. Passed 3-12-91; Ord. 04-15. Passed 7-13-04; Ord. 12-6. Passed 8-28-12.)

1262.09 C-2 HIGHWAY COMMERCIAL DISTRICT.

- (a) Purpose. The intent of the C-2 Highway Commercial District is to accommodate both extensive land uses with high traffic generation characteristics and typical "highway-oriented" uses that derive a significant part of their trade by virtue of their location along highway frontage with its relatively high traffic volume.
- (b) Permitted Uses. The following uses shall be permitted as a use-by-right in the C-2 Highway Commercial District:
- (1) Agricultural implement sales and farm equipment storage and rental;
 - (2) Air conditioning, heating, plumbing and roofing shops;
 - (3) Automobile, trailer, recreational vehicle and motorcycle sales;
 - (4) Indoor commercial recreation establishments and health spas;
 - (5) Equipment rental and repair establishments;
 - (6) Pet shops, kennels and animal hospitals;

- (7) Motels/hotels (all guest rooms limited to interior door access only);
- (8) Indoor theaters;
- (9) Warehouses and enclosed storage facilities; and
- (10) Convenience food stores.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the C-2 Highway Commercial District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

- (1) Automobile convenience service facilities, service stations and washing establishments;
- (2) Automobile, trailer, recreational vehicle and motorcycle sales (new, used and rental);
- (3) Automobile tire sales and service;
- (4) Automobile upholstery repair;
- (5) Commercial greenhouses;
- (6) Fraternal lodges and private clubs;
- (7) Medical clinics and hospitals;
- (8) Municipal or government buildings;
- (9) Indoor commercial recreational establishments and teen centers;
- (10) Public utility substations or exchanges;
- (11) Lounges and restaurants (sit-down, carry-out and drive-in);
- (12) Retail establishments providing commodities intended primarily for interstate travelers;
- (13) Bus terminal;
- (14) Convenience food stores;
- (15) Drive-through windows ancillary to principally permitted or conditionally permitted uses;
- (16) Body, fender and engine repair establishments for vehicles;
- (17) Charitable collection bins;
- (18) Beer/wine drive-through stores; and
- (19) Personal wireless service facilities.

(d) Minimum Lot Area and Lot Width. There shall be permitted zoning lots not less than 5,000 square feet in land area. No lot width shall be less than 50 feet.

(e) Maximum Building Height. No commercial structure shall exceed 45 feet in height.

(f) Minimum Yards.

(1) Front. There shall be a minimum setback of 50 feet.

(2) Side. None required if a party wall is agreed to by adjoining property owners, otherwise six feet, except that there shall be a minimum width of 50 feet when adjacent to any "A," "R" or "S-PUD" District.

(3) Rear. There shall be a minimum depth of twenty-five feet, except when adjacent to any "A," "R" or "S-PUD" District, in which cases there shall be a minimum depth of 50 feet.

(4) Abutting residential zones. If there is an abutting residential zone, a 25-foot landscaped perimeter area, in accordance with Section 1266.03(d), shall be provided along common lot lines on all nonresidential abutting zoning lots larger than two acres, and on all other nonresidential zoning lots, unless a six-foot masonry wall or opaque wooden fence separates parking areas from residential lot lines and such parking areas are used only for noncommercial vehicles.

(g) Required Off-Street Parking. Off-street parking shall be required in accordance with the requirements specified in Section 1266.05.

(h) Minimum Design Standards. A minimum of 65% of all exterior building elevations facing or visible from a public right-of-way, shall be full-sized standard brick or stone, excluding windows and doors. The remaining 35% of the building shall consist of textured concrete block, masonry product, steel, architectural metal or other similar building material, however, in no case shall plain concrete block, vinyl, wood board or aluminum siding be a suitable building material on any portion of the building. Exterior walls not facing or visible from a public right-of-way must be constructed of a product similar and complementary to materials on other elevations of the building. Additions to existing buildings may continue with similar exterior material to maintain architectural continuity. All exterior building colors shall be of earth tone. Alternate materials will

be reviewed and evaluated on the merit of their building design by the Planning Commission at the request of the property owner.

(Ord. 79-56. Passed 11-13-79; Ord. 80-51. Passed 10-14-80; Ord. 81-05. Passed 2-10-81; Ord. 85-44. Passed 8-13-85; Ord. 89-1. Passed 1-10-89; Ord. 89-22. Passed 5-23-89; Ord. 90-15. Passed 5-8-90; Ord. 91-3. Passed 2-12-91; Ord. 91-4. Passed 3-12-91; Ord. 97-5. Passed 3-11-97; Ord. 04-15. Passed 7-13-04; Ord. 06-17. Passed 12-12-06; Ord. 12-6. Passed 8-28-12; Ord. 17-05. Passed 9-26-17.)

1262.10 C-3 COMMUNITY COMMERCIAL DISTRICT.

(a) Purpose. The intent of the C-3 Community Commercial District is to provide for shopping center districts within the community so as to serve the general shopping and service needs of the City. Their locations shall accommodate the most intensive commercial and office development and shall reflect organized development activities.

(b) Permitted Uses. The following uses shall be permitted as a use-by-right in the C-3 Community Commercial District:

- (1) Advertising agencies;
- (2) Antique shop;
- (3) Apparel shop;
- (4) Art supplies;
- (5) Auto parts and glass;
- (6) Bakery and bakery goods store, provided the products are sold exclusively on the premises;
- (7) Banks and other financial institutions, including savings, loan and finance companies with drive-in windows;
- (8) Barber shop;
- (9) Beauty shop;
- (10) Bicycle shop;
- (11) Book, stationary or gift shop;
- (12) Business and professional colleges;
- (13) Camera and photographic supplies;
- (14) Candy, soda fountain and ice cream store (excluding drive-ins);
- (15) Carpet and rug store;
- (16) Clinics, medical or dental;
- (17) Clubs, including businessmen's and YMCA-YWCA;
- (17A) Convenience food stores;
- (18) Delicatessen store;
- (19) Department store;
- (20) Drug store;
- (21) Dry cleaners;
- (22) Drying and cleaning work;
- (23) Employment agencies;
- (24) Florist shop;
- (25) Food store and supermarket;
- (26) Funeral home;
- (27) Garden supplies;
- (28) Glass, china or pottery store;
- (29) Glazing and glasswork;
- (30) Haberdashery;
- (31) Hardware store;
- (32) Health clinics and health spas;

- (33) Hobby shop;
- (34) Household appliance store, including incidental repair;
- (35) Interior decorating studio;
- (36) Jewelry store, including repair;
- (37) Laboratories, medical and dental;
- (38) Laundromats, self-service washing and drying;
- (39) Leather goods and luggage store;
- (40) Library;
- (41) Locksmith shop;
- (42) Music, musical instruments and record shop;
- (43) Newspaper office, including printing;
- (44) Office;
- (45) Office appliances and supply;
- (46) Off street parking lots and/or garages;
- (47) Opticians, optometrists and optical supply;
- (48) Paint and wallpaper store;
- (49) Pet shop, excluding boarding and outside run;
- (50) Plumbing sales and repair;
- (51) Police and fire stations;
- (52) Post office and telegraph office;
- (53) Printing establishments;
- (54) Radio and television stores, including repair;
- (55) Shoe store and shoe repair;
- (56) Sporting goods;
- (57) Studios for professional work or teaching of any form of fine arts, photography, music, drama and dance;
- (58) Tailor shop;
- (59) Theaters, excluding drive-in theaters;
- (60) Travel bureau;
- (61) Variety stores, including notions and five and ten-cent stores;
- (62) Furniture and upholstery repair, provided all work is accomplished in a completely enclosed structure.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the C-3 Community Commercial District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

- (1) Automobile service stations;
- (2) Medical clinics, health centers, hospitals and health spas;
- (3) Public utility substations or exchanges;
- (4) Wholesale establishments;
- (5) Lounges and restaurants (sit-down and carry-out);
- (6) Small tool rental establishments;
- (7) Private clubs;
- (8) Adult uses; (Reserved);
- (9) Indoor amusement centers, teen centers and commercial recreational establishments;
- (10) Drive-through windows ancillary to principally permitted or conditionally permitted uses;

- (11) Automobile upholstery repair;
- (12) Automobile washing establishments;
- (13) Charitable collection bins;
- (14) Automobile convenience service facilities;
- (15) Drive-through businesses for which the floor area devoted to the stocking or sale of alcoholic beverages is less than 10%;
- (16) Retail establishments selling outdoor recreational items to be permanently installed on residential zoning lots;
- (17) Automobile muffler repair businesses;
- (18) Churches; and
- (19) Bingo, as regulated by the State of Ohio, provided that such use is within a shopping center where there is no other bingo operation, and provided there is available automobile parking equal to at least one space per 50 gross square feet of business area devoted to bingo gaming.

(d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 12,000 square feet in land area. No lot width shall be less than 75 feet.

(e) Maximum Building Height. No commercial structure shall exceed 45 feet in height.

(f) Minimum Yards.

(1) Front. There shall be a minimum setback of not less than 25 feet.

(2) Side. None required if a party wall is agreed to by adjoining property owners, otherwise six feet, except that there shall be a minimum width of twenty-five feet when adjacent to any "A," "R" or "S-PUD" District.

(3) Rear. There shall be a minimum depth of not less than 25 feet.

(4) Abutting residential zones. If there is an abutting residential zone, a 25-foot landscaped perimeter area, in accordance with Section 1266.03(d), shall be provided along common lot lines on all nonresidential abutting zoning lots larger than two acres, and on all other nonresidential zoning lots, unless a six-foot masonry wall or opaque wooden fence separates parking areas from residential lot lines and such parking areas are used only for noncommercial vehicles.

(g) Required Off Street Parking. Off-street parking shall be required in accordance with the requirements specified in Section 1266.05.

(h) Minimum Design Standards. A minimum of 65% of all exterior building elevations facing or visible from a public right-of-way, shall be full-sized standard brick or stone, excluding windows and doors. The remaining 35% of the building shall consist of textured concrete block, masonry product, steel, architectural metal or other similar building material, however, in no case shall plain concrete block, vinyl, wood board or aluminum siding be a suitable building material on any portion of the building. Exterior walls not facing or visible from a public right-of-way must be constructed of a product similar and complementary to materials on other elevations of the building. Additions to existing buildings may continue with similar exterior material to maintain architectural continuity. All exterior building colors shall be of earth tone. Alternate materials will be reviewed and evaluated on the merit of their building design by the Planning Commission at the request of the property owner.

(Ord. 79-56. Passed 11-13-79; Ord. 80-28. Passed 6-10-80; Ord. 80-51. Passed 1-14-80; Ord. 81-42. Passed 11-10-81; Ord. 83-19. Passed 6-14-83; Ord. 85-44. Passed 8-13-85; Ord. 89-1. Passed 1-10-89; Ord. 89-22. Passed 5-23-90; Ord. 90-15. Passed 5-8-90; Ord. 91-3. Passed 2-12-91; Ord. 91-4. Passed 3-12-91; Ord. 95-10. Passed 8-22-95; Ord. 96-1. Passed 2-13-96; Ord. 96-14. Passed 4-23-96; Ord. 99-2 1. Passed 12-28-99; Ord. 04-15. Passed 7-13-04; Ord. 12-6. Passed 8-28-12.)

1262.11 C-4 OFFICE AND INDUSTRIAL SALES - SERVICE PARK DISTRICT.

(a) Purpose. Purposes of the C-4 Office and Industrial Sales - Service Park Districts include: (i) development of commerce park environments within the City to accommodate professional and light industrial uses in employment centers independent of existing commercial uses, and (ii) accommodation of retail uses, with principal access from an interstate highway, serving local and regional markets.

(b) Permitted Uses. The following uses shall be permitted as a use-by-right in the C-4 Office and Industrial Sales - Service Park District:

(1) Administrative offices of any kind, including public, semipublic, civic, religious and charitable organizations;

(2) Business offices, wholesaling, warehousing and distribution establishments and related facilities, and industrial sales and service establishments where a stock of goods may be maintained on the premises for local or regional transport and sales to customers, provided that floor area devoted to retail sales does not comprise more than 10% of the total business;

(3) Professional services, including, but not limited to, offices of physicians, surgeons, dentists, lawyers, accountants, architects, engineers, insurance and real estate agents and members of similar professions;

(4) Research and development offices;

(5) Banks and financial institutions, including loan, savings and finance companies with drive-in windows;

(6) Medical clinics, hospitals and health spas; and

(7) School and educational services.

(8) Retail and service businesses with an indoor floor area of 80,000 or more square feet dedicated to such uses, and located on at least a twelve acre zoning lot within 1,000 feet of an interstate highway.

(9) Retail and service businesses contiguous and ancillary to uses specified by division (b)(8) of this section and built subsequently upon zoning lots subdivided from tracts so developed.

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the C-4 Office and Industrial Sales - Service Park District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05(f):

(1) Funeral home and mortuary;

(2) Personal service establishments, such as a drug store, barber shop, beauty shop or similar personal service establishment, provided that not more than 10% of the total gross floor area of permitted uses is occupied by such use;

(3) Restaurants: sit-down;

(4) Motels/hotels (all guest rooms limited to interior door access only);

(5) Compounding assembly, treatment or fabricating establishments which may be characterized as light industry, such as tool and die manufacturing, electrical and electronic component production and assembly, surgical and medical equipment, small motor and machinery production and similar uses. All such uses shall be carried out within a completely enclosed structure and shall comply with the minimum performance standards specified in Section 1266.04.

(6) *(Editor's note: Division (c)(6) was repealed by Ordinance 83-18, passed June 14, 1983.)*

(7) Municipal or government buildings; and

(8) Personal wireless service facilities.

(d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 20,000 square feet. No lot width shall be less than 100 feet.

(e) Maximum Building Height. A structure with a minimum setback shall not exceed 40 feet in height. Structures exceeding minimum front yard setbacks shall be allowed a height of one foot for each two feet of setback from any property line, not to exceed 100 feet.

(f) Minimum Yards.

(1) Front. There shall be a minimum setback of not less than 35 feet.

(2) Side. Structures with heights not exceeding forty feet shall have minimum side yards of ten feet, unless adjacent to an "R," "S-PUD" or "O" District, in which case the required side yard shall be 25 feet. Structures exceeding 40 feet in height shall have side yards the greater of either the above or twice the building height.

(3) Rear. Structures with heights not exceeding forty feet shall have minimum rear yards of not less than 25 feet, unless adjacent to an "R," "S-PUD" or "O" District, in which case the required rear yard shall be 35 feet. Structures exceeding 40 feet in height shall have rear yards the greater of either the above or twice the building height.

(4) Abutting residential zones. If there is an abutting residential zone, a 25-foot landscaped perimeter area, in accordance with Section 1266.03(d), shall be provided along common lot lines on all nonresidential abutting zoning lots larger than two acres, and on all other nonresidential zoning lots, unless a six-foot masonry wall or opaque wooden fence separates parking areas from residential lot lines and such parking areas are used only for noncommercial vehicles.

(g) Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Section 1266.05.

(h) Minimum Design Standards. A minimum of 75% of the exterior building wall-face oriented towards the front lot line shall be a constructed with a decorative brick, stone, textured concrete block, EIFS (synthetic stucco) or similar building materials. Additions to existing buildings may continue with similar exterior material to maintain architectural continuity. All exterior building colors shall be of earth tone. Alternate materials will be reviewed and evaluated on the merit of their building design by the Planning Commission at the request of the property owner.

(Ord. 79-56. Passed 11-13-79; Ord. 80-43. Passed 9-23-80; Ord. 91-4. Passed 3-12-91; Ord. 92-21. Passed 6-30-92; Ord. 95-10. Passed 8-22-95; Ord. 97-5. Passed 3-11-97; Ord. 02-11. Passed 9-24-02; Ord. 04-15. Passed 7-13-04; Ord. 17-05. Passed 9-26-17.)

1262.115 E-1 EDUCATIONAL INSTITUTION DISTRICT.

(a) Purpose. The E-1 Educational Institution District has been designed to accommodate all the primary and necessary functions of secondary, post-secondary and vocational educational institutions. Ancillary residential, office or research facilities, not an integral part of an existing educational institution, must be conditionally reviewed because of a potentially large impact.

(b) Permitted Uses. The following uses shall be permitted in an E-1 Educational Institution District:

(1) All nonresidential buildings or structures as needed for instruction, administration or maintenance of a secondary, post-secondary or vocational educational institution;

(2) Publicly owned parks and playgrounds; and

(3) Public libraries, publicly owned museums and schools and other buildings or premises used exclusively by Federal, State, County or Municipal governments for public purposes, but not including workshops, workhouses or open storage.

(c) Conditionally Permitted Uses. The following uses shall be conditionally permitted in an E-1 Educational Institution District, subject to the approval of the Administrative Board for Planning and Zoning Appeals and the subsequent issuance of a conditional use permit as set forth in Sections 1266.01 and 1268.05(f):

(1) Dormitories and other residential structures necessary for the conduct of a post-secondary educational institution;

(2) Clinics, research centers, light manufacturing enterprises and business offices located in existing buildings, not including uses which create consumer traffic at retail or excessive vehicular traffic of any kind, and not including the sale or storage of items which are readily available through retail or wholesale outlets;

(3) Churches, Sunday school buildings, parish houses and other places of worship;

(4) Conversions of existing structures to residential uses consistent with the demonstrated need of a post-secondary institution to house its students, provided that such conversions meet the zoning standards applicable to multifamily development in an "R-5 District"; and (Ord. 87-4. Passed 2-10-87.)

(5) Personal wireless service facilities.

(Ord. 97-5. Passed 3-11-97.)

(d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 40,000 square feet in area. No lot width shall be less than 150 feet.

(e) Maximum Building Height. No structure shall exceed 45 feet in height.

(f) Minimum Yards.

(1) Front. There shall be a minimum setback of 50 feet.

(2) Side and rear. There shall be a minimum side yard width of 25 feet, except when next to a residential zone, in which case the side yard width shall be the greater of either 50 feet or 2.5 times the structural height.

(g) Required Off-Street Parking. Off-street parking shall be required in accordance with Section 1266.05.

(Ord. 87-4. Passed 2-10-87.)

1262.12 I-1 GENERAL INDUSTRIAL DISTRICT.

(a) Purpose. The intent of the I-1 General Industrial District is:

(1) To designate certain lands exclusively for new industrial development which will not adversely affect its surroundings and which can be effectively serviced with the necessary utilities and access; and

(2) To reflect the existing pattern of industrial development in the community. These land areas are to be reserved exclusively for industrial, manufacturing, warehousing and wholesaling activities and related purposes.

(b) Permitted Uses. The following uses shall be permitted as a use-by-right in the I-1 General Industrial District:

(1) Any industrial or manufacturing establishment, provided that any such permitted use shall comply with the minimum performance standards specified in Section 1266.04;

(2) Research and engineering laboratories;

(3) Wholesale establishments;

(Ord. 79-51. Passed 11-13-79.)

(4) Business offices, warehousing and distribution establishments, and related facilities, not including retail sales;

(5) Professional services, including, but not limited to, offices of physicians, lawyers, accountants, architects and members of similar professions; and

(6) Medical clinics and hospitals.

(Ord. 98-3. Passed 2-10-98.)

(c) Conditionally Permitted Uses. The following uses are permitted as conditional uses in the I-1 General Industrial District, subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Sections 1266.01 and 1268.05:

- (1) Municipal or government buildings;
- (2) Public utility substations or exchanges;
- (3) Restaurants (sit-down and carry-out); and

(Ord. 79-56. Passed 11-13-79.)

(4) Personal wireless service facilities.

(Ord. 97-5. Passed 3-11-97.)

(d) Minimum Lot Area and Width. There shall be permitted zoning lots not less than 20,000 square feet in lot area. No lot width shall be less than 100 feet.

(Ord. 88-16. Passed 10-25-88.)

(e) Maximum Building Height. A structure with a minimum setback shall not exceed 40 feet in height. Structures exceeding minimum front yard setbacks shall be allowed a height of one foot for each two feet of setback from any property line, not to exceed 100 feet.

(Ord. 95-10. Passed 8-22-95.)

(f) Minimum Yards.

(1) Front. There shall be a minimum setback of 35 feet for all fully enclosed buildings not allowing vehicular access through a front wall, and a minimum setback of 50 feet for all other buildings and structures.

(Ord. 81-16. Passed 5-12-81.)

(2) Side. Structures with heights not exceeding forty feet shall have minimum side yards of ten feet, unless adjacent to an "R," "S-PUD" or "O" District, in which case the required side yard shall be 25 feet. Structures exceeding 40 feet in height shall have side yards the greater of either the above or twice the building height.

(3) Rear. Structures with heights not exceeding 40 feet shall have minimum rear yards of not less than 25 feet, unless adjacent to an "R," "S-PUD" or "O" District, in which case the required rear yard shall be 35 feet. Structures exceeding 40 feet in height shall have rear yards the greater of either the above or twice the building height.

(Ord. 95-10. Passed 8-22-95.)

(4) Abutting residential zones. Where any use in this zone abuts a residential zone, a minimum 25-foot wide landscaped edge shall be required in accordance with Section 1266.03(d).

(Ord. 81-16. Passed 5-12-81.)

(g) Required Off Street Parking. Off-street parking shall be required in accordance with the requirements specified in Section 1266.05.

(h) Minimum Design Standards. A minimum of 75% of the exterior building wall-face oriented towards the front lot line shall be constructed with a decorative brick, stone, textured concrete block, EIFS (synthetic stucco) or similar building materials. Additions to existing buildings may continue with similar exterior material to maintain architectural continuity. All exterior building colors shall be of earth tone. Alternate materials will be reviewed and evaluated on the merit of their building design by the Planning Commission at the request of the property owner.

(Ord. 79-56. Passed 11-13-79; Ord. 04-15. Passed 7-13-04.)

CHAPTER 1264

Special District Regulations

1264.01 S-FP Flood Plain District.

1264.02 EQ Environmental Quality District.

1264.03 S-PUD Planned Unit Development District.

1264.04 S-PCD Planned Commercial Development District. (Repealed)

CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restriction in location of buildings and structures - see Ohio R.C. 713.07

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Notice and hearing on zoning regulations - see Ohio R.C. 713.12

Violations may be enjoined - see Ohio R.C. 713.13

1264.01 S-FP FLOOD PLAIN DISTRICT.

(a) Purpose and Intent. The S-FP Flood Plain District is designed to meet the need of storm water channels to carry abnormal flows of water in time of high water and flooding, to prevent encroachments into the District which will unduly increase flood heights and damage, and to prevent the loss of life and excessive damage to property in the area of greatest flood hazard.

(b) Principal Permitted Uses. The following are the principal permitted uses in the S-FP Flood Plain District:

- (1) Agriculture and farms;
- (2) Forestry; and
- (3) Wildlife preserves.

(c) Conditionally Permitted Uses. The following uses are conditionally permitted, following receipt of the Miami Conservancy District's recommendation and subject to the approval of the Board of Zoning Appeals and the subsequent issuance of a conditional use permit by the Code Enforcement Officer, which procedure is specified in Section 1266.01:

(1) Public and private parklands and recreation sites and open space:

(2) Open storage of floatable materials. Logs, tree stumps and branches, lumber, lumber products and other floatable material may be placed, displayed or stored in the open of flood plain land, where permitted by the State statutes, provided the area so used is enclosed by an open wire fence properly anchored to restrain such materials from floating downstream during times of high water.

(3) Quarries. Quarries are subject to the provisions in Section 1266.01(e).

(4) Sand and gravel pits. Sand and gravel pits are subject to the provisions specified in Section 1266.01(e).

(Ord. 79-56. Passed 11-13-79.)

(5) Personal wireless service facilities.

(Ord. 97-5. Passed 3-11-97.)

(d) Prohibited Uses. The following are prohibited uses in the S-FP Flood Plain District:

- (1) Residential dwellings;
- (2) Commercial establishments;
- (3) Industrial establishments;
- (4) Sanitary landfill; and
- (5) Dumping or filling.

(e) Preservation of Flood Plain. All buildings, other structures and fills of any kind of materials hereafter made, placed or erected on the flood plain shall be set back at least the distance required to preserve and maintain open and unobstructed the flood plain width as determined by the high water level of the regional flood.

(Ord. 79-56. Passed 11-13-79.)

1264.02 EQ ENVIRONMENTAL QUALITY DISTRICT.

(a) Purpose and Intent. The purpose of environmental quality regulations is to protect the quality of the urban environment in those locations where the characteristics of the environment are distinctive and valuable and are vulnerable to damage by development permitted under conventional zoning and building regulations. Environmental quality regulations are required to protect the public and the property owners in the District from:

- (1) Blighting influences which might be allowed by existing conventional zoning regulations;
- (2) Damage to areas of high public investment which have added value to the area;
- (3) Unsafe buildings or unstable land which might be caused by uncontrolled development;
- (4) Damage or destruction of properties in historic districts;
- (5) Damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
- (6) Soil erosion and stream siltation; and
- (7) Destruction of valuable trees and other vegetation.

The location of all Environmental Quality (EQ) Districts shall be shown on the Zoning Map of the City as an overlay zone superimposed in specific areas over existing zones. Adoption of EQ Districts shall be by action of Council pursuant to the provisions of this section and other applicable law.

(b) Applicability.

(1) Except as otherwise provided herein and in other parts of this Zoning Code, all regulations of the underlying zone districts shall apply to and control property in an EQ District, provided, however, that in the case of conflict between the provisions of an underlying zoning district and an EQ District, the provisions of the EQ District shall prevail.

(2) Wherever applicable by the provisions of this chapter, the EQ District shall supersede the administrative procedures pertaining to the issuance of building permits within underlying zoning districts which require the authorization of the Code Enforcement Officer or other boards, as provided in the respective chapters of this Zoning Code.

(c) Establishment of EQ Districts.

(1) Council may, from time to time, upon recommendation by the Planning Commission, create EQ Districts upon a finding of the following:

A. That the area under consideration for an EQ District exhibits the definitional qualities as specified in Chapter 1270; and

B. An area under consideration for an EQ District contains the category qualification criteria as specified in the provisions of this section.

(2) The Planning Commission shall prepare, pursuant to this section, a Development Guidelines Report (DGR) for each EQ District established. The Development Guidelines Report shall be recommended to Council which shall adopt, revise or add to such guidelines and incorporate the same in the ordinance establishing any specific EQ District. The DGR shall describe in words and/or illustrations the special and distinctive environmental characteristics which are to be protected and the development features which will be reviewed for impact of a proposed development on the environment.

(d) Categories, Qualifications and Reasons for Protection.

(1) Environmental Quality Districts shall be classified by categories according to the provisions and qualifications as described herein, and each district type shall be shown on the Zoning Map of the City.

(2) Environmental Quality - High Public Investment (PI)-type shall be identified as EQ-PI Districts.

A. Rationale for establishment of EQ-PI Districts is the fact that the investment of substantial public funds, based on established public policies or improvements in certain instances, requires the protection of such investment over and above the protection provided by conventional building and zoning regulations for the following reasons:

1. To prevent the recurrence of blight;
2. To prevent diminution of the effectiveness and value of the public investments ;
3. To encourage coordinated development of parcels and structures in accordance with efficient building design, multipurpose uses of sites, unified off-street parking, trucking and service areas and internal pedestrian linkages;
4. To achieve development which is integrated both functionally and visually with the existing development which is to remain; and
5. To achieve the full benefit for the public and private owners of the public improvements in the areas.

B. EQ-PI Districts shall contain evidence of significant public investments which are made pursuant to a plan for renewal, revitalization or other substantial physical improvements, adopted or approved by Council. EQ-PI Districts shall contain three or more of the following public investment qualification characteristics:

1. A public park, plaza, square, fountain or statuary;
2. Land cleared of blighting structures by urban redevelopment;
3. Public automobile parking garages or surface lots and other similar public improvements;

4. Public pedestrian walkways;
5. Street tree plantings or other surface landscape treatment;
6. Private buildings erected on former redevelopment land in accordance with proper design approval;
7. Substantial public investment in comprehensive urban design planning for the purpose of guiding planned revitalization; and
8. Public and private investment in a community urban redevelopment corporation pursuant to a plan adopted by Council which includes the provision of planned revitalization activities in the proposed EQ-PI District. Such plan shall specifically define the boundaries of such redevelopment area.

(e) Development Permission; Exemptions. The following permits are subject to review by category.

(1) Building permits not exempted by paragraph (e)(2) hereof shall not be issued until development permission is granted according to the procedures specified in subsection (f) hereof.

(2) The following building permits are exempt from the provisions of this section:

- A. All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment and all other mechanical and electrical equipment not involving a change of use or occupancy;
- B. Any permit necessary for compliance with retroactive provisions of the Building Code;
- C. Any permit necessary for the immediate public health or safety;
- D. Any permit necessary for compliance with a lawful order of the Code Enforcement Officer;
- E. All permits for interior alterations and repairs;
- F. All permits for exterior alterations and repairs not involving a change in use or occupancy and not increasing the floor area of a building or structure; and
- G. Such other permits as may be exempt pursuant to the provisions of each specific EQ District ordinance.

(3) Permits subject to review will require the submission of an application for development permission and shall be classified for administrative review according to the following categories:

A. Category 1.

1. All permits for additions to buildings and structures;
2. All permits for replacement of existing signs and billboards which do not result in an increase in size;
3. All permits for construction of miscellaneous and accessory structures and buildings; and
4. All permits for exterior alterations and repairs involving a change in use or occupancy or an increase in the floor area of a building or structure.

B. Category 2.

1. All permits for new primary buildings or structures; and
2. All permits for new signs and billboards.

(f) Development Permission; Application. Submission requirements, review procedure, decisions, reconsideration and approval shall be as follows:

(1) Application for development permission in EQ Districts shall be made to the Code Enforcement Officer on such form or forms as may be provided by such office. The information required for submission shall be as follows:

A. The application for development permission for Category 1 permits shall include

1. Existing conditions report. Data, photographs and maps to show existing conditions and use of the property involved;
2. Physical improvements report. Written statement, drawings, renderings or elevations sufficient to show proposed construction, alterations, repairs or change in use; and
3. Supplemental information. Such supplemental information as may reasonably be required in order to assist in the EQ review process.

B. The application for development permission for Category 2 permits shall include

1. Existing conditions report. As required for paragraph (f)(1)A. hereof;
2. Development plan. Showing proposed development, including, where applicable, streets, drives, parking areas, walkways, heights of structures, location, elevation and setback of proposed buildings; drainage, grading and landscaping plans; proposed uses and square footage of uses; and recreational facilities;

3. Environmental assessment statement which:

(A) Describes the positive or negative impact of the proposed improvement, construction or development upon the applicable environmental features of the surrounding neighborhood. Environmental features for purposes of this statement include abutting land uses, traffic, noise, air, drainage (sewers) and visual quality.

(B) Demonstrates the compatibility of the proposed improvement, construction or development with the official Development Guidelines Report for the EQ District; and

4. Other information. Such other information as may reasonably be required in order to assist in the EQ review process.

(2) When it is found that an application for development permission meets the filing requirements of paragraph (f)(1) hereof and the rules and regulations of the Planning Commission, the application shall be subject to the following process:

A. The Code Enforcement Officer shall transmit the application to the Commission. The Commission shall, where necessary, meet with the applicant. On Category 2 permits, the authority shall secure, via written memorandum or conference, the comments and advice of the City's Department of Community and Economic Development on such application.

B. Within thirty days of the transmittal of the application for development permission to the Commission, the Code Enforcement Officer shall prepare a written advisory report, including all other written comments, recommending approval, approval with conditions or disapproval of such application.

(3) Decisions on applications for development permission shall be made by the Planning Commission. The procedure for decision and determination by the Commission shall be as follows:

A. Category 1 permits. The Commission, within seven days after receipt of the Code Enforcement Officer's report, shall make an administrative decision as follows: approval, approval with conditions or disapproval. Notification of such decision shall be made to the applicant. Such decisions shall be considered final unless a request for reconsideration is made in accordance with the provisions of Chapter 1268 or any other relevant provisions of these Codified Ordinances.

B. Category 2 permits. All Category 2 permit applications shall be processed by the Code Enforcement Officer in accordance with the procedures set forth in Chapter 1268 or any other relevant provisions of these Codified Ordinances, including the rights of appeal as provided therein.

(g) Modifications of Underlying District Regulations in EQ Districts.

(1) Regulations for land use, lot area, coverage, floor area, yard requirements, parking, building, height, fences and landscaping for property in an EQ District shall be determined by the underlying zoning and other applicable regulations. Such regulations, with the exception of land use and floor area limitations, may be modified as provided in paragraph (g)(2) hereof, in any EQ District, upon a finding by the Commission that the modifications will result in two or more of the following conditions:

A. Usable open space will be created for the public by the dedication of public areas or space.

B. The restoration of plant materials will be accomplished by the planting of trees, shrubs and ground covers.

C. Utility and other service distribution lines will be placed underground.

D. An improvement in public safety will result.

E. An improvement in energy conservation will result.

F. There will be a use of creative site planning and urban design in order to provide for efficient use of land and improved urban environment.

(2) Upon having made the findings set forth in paragraph (g)(1) hereof, the regulations set forth therein may be modified by the Commission up to the following limits:

A. The gross dwelling unit density and floor area limitations of any area proposed for development shall remain unchanged and conform to the basic overall density and floor area limitation requirements of the underlying zoning district. However, lot dimensions, building height, building setbacks and front, side and rear yard requirements may be modified to provide for a more functional desirable use of the property.

B. Height limitations may be removed, permitting high-rise construction, provided such additional stories to dwelling structures do not:

1. Increase gross dwelling unit densities or floor area ratios as set forth in the approved development plan;

2. Fail to result in appropriate reduction in building coverage and adherence to the objectives set forth in this section; and

3. Adversely affect surrounding structures.

(h) Violations. No owner, lessee or tenant of land shall use, construct, reconstruct, alter, maintain or divide any building, structure or land in violation of any of the provisions of this section or any resolution adopted hereafter pursuant to this

section.

(Ord. 79-56. Passed 11-13-79.)

1264.03 S-PUD PLANNED UNIT DEVELOPMENT DISTRICT.

(a) Purpose. The S-PUD Planned Unit Development District is intended to provide permissive, voluntary and alternative zoning procedures for development. Reasons for such zoning include:

(1) The provision of flexibility whereby land holdings greater than three acres in size, under unified ownership, can be planned and developed as a unit.

(2) A greater efficiency in the use of land and resources than is achievable through conventional development.

(3) Facilitation of flexibility of design in order to take advantage of natural features of land.

(b) Permitted Uses. Uses permitted in the S-PUD District are those permitted by underlying zoning. Uses permitted elsewhere by this Zoning Code also may be permitted if the Planning Commission and Council determine that such uses are in harmony with adjacent neighborhoods, transportation facilities and other community facilities.

(c) Design and Development Standards. Design and development standards within an S-PUD District will normally be those associated with the most restrictive Zoning Code standards applied to the same land uses elsewhere in the City. Such standards may be altered to the extent that the Planning Commission and Council are able to make determinations that surrounding neighborhoods, as well as the general health, safety and welfare, will be protected. Relaxation of otherwise applicable standards often will involve trade-offs of open space or public amenities designed to provide a net positive benefit to the community.

(d) Formal Plans. Applicants are encouraged to engage in informal consultations with staff and the Planning Commission prior to submission of formal plans.

(e) Required Contents of the Site Development Plan. A proper site development plan must be submitted at least two weeks before the next regularly scheduled meeting of the Planning Commission to be considered on the next agenda. The following elements will constitute a complete application:

(1) Evidence of ownership or equivalent control of the entirety of the site;

(2) A base survey map of the site, to scale, showing boundary dimensions, the general topography, physical features and surrounding thoroughfares;

(3) A site plan, showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, bicycle and automobile circulation and special site development features;

(4) Engineering plans of sufficient detail for preliminary subdivision approval and indicating that site grading, street improvements, storm drainage, utility upgrades and extensions and other public facilities will meet City standards;

(5) Building plans, to scale, including floor plans and exterior elevations;

(6) Proposed restrictive covenants, homeowners' association proposals and other legal documentation;

(7) Landscaping plans, including quantities, sizes and varieties of landscaping; and

(8) A time schedule of the projected development, if the total landholding is to be developed in stages or if construction is to extend beyond a two-year time period.

(f) Planning Commission Action. The Planning Commission may hold a public hearing on the application, but will, in any case, make a report to City Council after no more than two successive, regularly scheduled meetings following timely receipt of a full application for S-PUD zoning. Such Commission report to Council will recommend approval, modification or disapproval and will offer reasons therefor. The Commission may explicitly recommend special conditions relating to the planned unit development with regard to the type and extent of public improvements, landscaping, building styles, density or other development characteristics.

(g) City Council Action. City Council will consider the S-PUD application and the accompanying report of the Planning Commission at a public hearing that has been advertised by a newspaper of general circulation at least ten days before said hearing date. The applicant may request a postponement of Council consideration of the S-PUD application to allow the incorporation of changes suggested by the Planning Commission. City Council may explicitly impose special conditions relating to the planned unit development with regard to the type and extent of public improvements, landscaping, building styles, density or other development characteristics.

(h) Required Findings. Both the Planning Commission and City Council will only approve those S-PUD zoning applications which contain enough information to allow them to make specific findings of fact, directly based upon the evidence presented, that:

(1) The physical character of the site will be suitable for development in the manner proposed without hazard to persons or property, on or off the site, because of the probability of flooding, erosion or other dangers, annoyances or inconveniences.

(2) The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, and the streets and driveways on the site will be adequate to efficiently and safely serve the residents of the area as well as the traffic generated by uses within the proposed development.

(3) The S-PUD District will be located in such a way, in relation to sanitary sewers, storm and surface drainage systems, water supply systems and police and fire protection facilities, that neither extension nor enlargement of such systems will be required that will result in higher net public costs than would development in forms generally permitted under existing zoning for the area.

(4) Structures, parking areas, drives, roadways, walks, lighting and appurtenant facilities will be located and designed to provide a high degree of efficiency, safety, convenience and harmony within the development as well as the utmost compatibility with surrounding neighborhoods.

(5) Proposed development can be substantially completed within the period of time specified by the development application.

(6) The S-PUD District will be in conformity with Englewood comprehensive planning, including land use and utility elements.

(7) Planning is consistent with the intent and purpose of this Zoning Code to promote the public health, safety and general welfare of the City.

(i) Time Limits and Extensions. Following approval of the S-PUD application by Council, an ordinance will be passed designating that the subject property is now zoned "S-PUD Planned Unit Development". S-PUD zoning approval by said ordinance shall become null and void, and the land shall revert to its former zoning classification, if:

(1) Within one year of zoning approval, a final subdivision plat, if applicable, for at least the first section, has not been recorded by Montgomery County.

(2) A building permit, within at least the first section, has not been secured within one year of final plat recording.

Existing landscaping, acting as screening of a project site from surrounding sites, shall not be removed until final landscaping and screening is to be installed. Unless the City Engineer and the Community Development Director determine that there is a sound development reason for delay, all approved landscaping and screening must be installed the earlier of six months from the date of S-PUD approval by Council or before issuance of a building permit. If delays in landscaping and screening installation are approved, subsequent occupancy of a building may be delayed until such approved screening has been installed.

An extension of time limits or minor modifications of approved plans may be approved by the Planning Commission. Such approval shall be given upon a finding of the purpose and necessity for such extension or minor modification and evidence of reasonable effort toward the accomplishment of approved plans. Proposed changes not deemed minor by the Planning Commission shall necessitate review by both the Planning Commission and City Council, in the same format as if a new S-PUD District were being proposed.

(j) Subdivision Standards. Unless otherwise addressed by the Planning Commission or City Council, design standards for the proposed subdivision of land shall meet minimum standards of the City relating to the platting of land.

(Ord. 96-6. Passed 3-27-96.)

1264.04 S-PCD PLANNED COMMERCIAL DEVELOPMENT DISTRICT. (REPEALED)

(EDITOR'S NOTE: Section 1264.04 was repealed by Ordinance 96-6, passed March 27, 1996.)

1264.05 S-CBD CENTRAL BUSINESS DISTRICT.

(a) Purpose and Intent. The purpose of Central Business District regulations is the recognition and maintenance of a unique community focal point. Historically, the Central Business District has housed various mixed residential and commercial land uses. Because of historical precedent, the historical significance of structures designed for mixed use, and the intent to keep an older area of the community viable, central business district regulations have been developed. Even though mixed uses may be allowed, it is the intent of these regulations to assure a predominantly nonresidential, commercial focus for this zoning district.

(b) Applicability.

(1) Central Business District zoning shall exist as an overlay zone, superimposed in a specific area over existing zoning classifications. Adoption and modification of a Central Business District zone shall be by action of Council, pursuant to the same regulations applying to the adoption or alteration of any other zoning district.

(2) Except as otherwise provided herein, all regulations of the underlying zoning districts shall apply to and control property in an S-CBD zone, provided, however, that in the case of conflict between the provisions of an underlying zoning district and an S-CBD zone, the provisions of the S-CBD zoning shall prevail.

(c) Boundaries. Central Business District zoning may be utilized within all areas zoned "C-3 Community Commercial" or "0-1 Office", provided that such areas are located east of Beckenham Road, south of Herr Street and north of Overlook

Street, and also including such identically zoned areas lying east of Main Street, north of Tate Avenue.

(d) Permitted Uses. Pursuant to review and approval of design elements by the Administrative Board for Planning and Zoning Appeals, following the same administrative procedures as are prescribed in approving conditionally permitted uses, the following development plans may be allowed in an S-CBD zone:

(1) Residential units, where residential land use has been the predominant land use on a given zoning lot within six months of seeking expansion or redevelopment approvals, or where a non-retailing, non-commercial land use has been the predominant land use of a given zoning lot within six months of seeking redevelopment approvals, and where an R-6 zoning standard can be maintained for required yards, off-street parking and other development aspects.

(2) Residential units at the second story or higher building elevation, or behind the street-level commercial, retailing or office use principally permitted by underlying zoning, provided:

A. Such residential units do not create a greater demand for off street parking, with reference to standards set forth in Section 1266.05 of this Zoning Code, unless such standards can be met on-site.

B. Such residential units do not share common areas with each other, or with non-residential uses, and provided that residential and non-residential uses are self-contained and separated by fire walls and/or other partitions as prescribed by applicable building and health codes.

(3) Commercial redevelopment areas where retailing and office space are proposed to meet a planned thematic standard, where the area to be developed is at least one-acre in size. The approval procedure for an S-CBD commercial redevelopment area shall be the same as for SPUD zoning, as specified in Section 1264.03.

(Ord. 91-12. Passed 9-10-91; Ord. 96-6. Passed 3-27-96; Ord. 98-13. Passed 8-11-98.)