

By: *James O. Chan*

ORDINANCE NO. 8-72

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF BEXLEY, OHIO, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 703, OHIO REVISED CODE, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ~~HEREBY~~ ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

ARTICLE I

GENERAL PROVISIONS

100 Title. This ordinance shall be known as the Zoning Ordinance.

110 Intent. It is the intent of the Zoning Ordinance to preserve, protect, and enhance existing development and use of land in the City of Bexley, and to facilitate and encourage sound and orderly new development, in appropriate locations compatible with existing development and beneficial to the City, in the interest of the public health, safety, convenience, comfort, prosperity and general welfare. It is the intent to divide the incorporated area of the City into zoning districts and to regulate the use and development of land in each district, and in all districts, according to sound principles of community and land use planning. It is intended that the regulations be uniform and fair to each class or kind of structure or land, while allowing limited flexibility for unique conditions and innovative development.

120 Interpretation. In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements necessary to meet the intent of the Zoning Ordinance. Words and phrases shall be interpreted as set forth in Article VIII.

130 Validity. If any article, section, clause, provision or portion of the Zoning Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other article, section, clause, provision or portion of the Zoning Ordinance which is not in itself held invalid or unconstitutional.

140 Repeal of Conflicting Ordinance, Effective Date. Ordinance No. 456 of the City of Bexley, Ohio is hereby repealed, and all other ordinances or parts of ordinances in conflict with the Zoning Ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. The Zoning Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE II

ESTABLISHMENT AND INTENT OF DISTRICTS

200 Establishment and Intent. The following zoning districts listed and described in Article II are hereby established for the City of Bexley, Ohio. For the interpretation of the Zoning Ordinance the zoning districts have been formulated to realize the general intent of the Ordinance as set forth in Article I, Section 110. In addition, the specific intent of each zoning district shall be as follows.

210 Low Density Single Family Residential District (R-3). Certain sections of Bexley have been developed for single family

residential use on large lots with a low dwelling unit density. These sections need to be protected from random new development or redevelopment of a higher density or incompatible use. The R-j zoning district is intended to preserve the established density and scale of these areas. Any development or redevelopment of a moderately higher residential density should generally be allowed only by planned unit development, in appropriate locations and carefully designed to harmonize with nearby development.

211 Medium Density Single Family Residential District (R-6). This district is intended to preserve areas of existing single family residential development at a moderate density without overcrowding the land. Much of Bexley is presently developed in this use and approximately at this density. Overcrowding in these areas must be avoided especially as there is a scarcity of open land available for play space within convenient walking distance. Any redevelopment to higher residential densities and apartment types should be allowed only in an orderly redevelopment pattern and generally only to a low multi-family residential density.

212 Low Density Multi-Family Residential District (R-12). This district is intended to allow limited areas for multi-family residential development compatible with the scale and character of the community as a whole. It is recognized that several small areas of the community are appropriate for a higher residential density than is reasonable for single family residential development, but that these areas should be compatible with nearby single family development. It is also recognized that some areas of moderate single family residential density will be desirable for redevelopment. Low density multi-family residential development will allow for this needed development or redevelopment at an appropriate scale and density.

213 Medium Density Multi-Family Residential District (R-24). Bexley's location close-in to the center of a large metropolitan area has created a demand for medium-high density apartment dwellings within the City. Such apartments are also desirable for the community to provide more diversity in housing opportunities, but except for in a few locations, they are generally incompatible with the scale and character of the City. The R-24 district is intended to allow medium density multi-family dwelling development, as close to the general character and scale of the community as possible, in a few carefully selected locations. The locations are meant to include only those sites with adequate accessibility to large thoroughfares, minimum nuisance to nearby low density land uses, and other site characteristics generally considered desirable for medium-high density multi-family residential development. Developments of this density should be encouraged into planned unit developments if possible.

214 Planned Unit Residential District (PUR). It is recognized that generally on larger tracts of land and with careful, thoughtful planning certain advantages can be gained by allowing greater flexibility in the land use types and development standards. The PUR district is intended to allow greater flexibility in residential land use and development standards while still ensuring a compatible relationship to nearby uses and preventing overcrowded development. A detailed development plan is required for review and acceptance by the City and must be followed once accepted. It is further intended that the development plan must show how the proposed development will be fully compatible with nearby development and the community land use and thoroughfare pattern as a whole before acceptance is granted by the City.

220 Neighborhood commercial District (NC). Within Bexley there is at least one area of existing commercial development serving as a small scale, convenience shopping and service center to a surrounding residential neighborhood. The Neighborhood Commercial district is intended to preserve this function and scale in harmony with surrounding and nearby development. This district may also be used to allow other neighborhood commercial centers to develop, if supported by appropriate planning studies, although any new centers should be encouraged to use the Planned Unit Commercial District for development.

221 Office Commercial District (OC). Commercial development in Bexley along major arterials should be separated into distinct use districts with appropriate development standards to avoid conflicting activities, incompatible scale, and premature obsolescence. At least one section of Bexley along a major arterial is substantially developed for office use and has evidenced a strong trend toward attractive new office development. The Office Commercial District is intended to protect such a district from incompatible use and require appropriate development standards to insure long lasting development.

222 Community Commercial District (CC). The purpose of this district is to allow and encourage a strong local shopping center in the City of Bexley. A broad range of commercial uses should be allowed, but especially those which attract leisurely comparison-type shopping rather than a convenient quick-stop service. Development standards should allow a maximum use of a limited space for both shopping and parking, while preserving and enhancing pedestrian walkways. Redevelopment should be encouraged to use the Planned Unit Commercial District, when appropriate.

223 Commercial Service District (CS). At least one area of the City is presently developed for primarily quick-stop commercial service use. It is characterized by large lot use, ample off-street parking and convenient automobile access. Its use should be protected from conflicting activities and incompatible scales. As traffic or shopping patterns change, redevelopment should be encouraged as an office district.

224 Planned Unit Commercial District (PUC). The primary purpose of this district is to allow and encourage innovative redevelopment in or immediately surrounding the Community Commercial District. The PUC District should allow redevelopment of larger areas, including some non-commercial districts where appropriate, if locations are carefully planned and adequate safeguards are provided. A detailed development plan is required for review and acceptance by the City and must be followed once accepted. The PUC District is also intended for possible use in relation to other commercial centers or areas when its use is supported by detailed planning studies.

230 Open Space District (OS). The purpose of the OS District is to provide standards for the use, development, and redevelopment of large public and quasi-public uses, institutions, parks, and recreation areas. Although they normally present many desirable qualities of open space enjoyment, large public and quasi-public uses may contribute to street congestion, overcrowding, incompatible scale and other neighborhood and community problems. They should conform to their own appropriate zoning standards. It is intended that small public and quasi-public uses be included as conditional uses within the other districts.

223 General Commercial District (GC). At least one area of Bexley is appropriate for a broad range of commercial uses as are allowed in the Community Commercial District but such an area is not an integral part of the community shopping district of Bexley. Such an area needs a separate set of development standards, similar to the predominate scale and density of most sections of the City. Lot sizes and widths should be moderately large to insure ample space for each activity, for attractive landscaping, and to avoid congestion. It is intended that the location of any General Commercial District be carefully planned to avoid conflict with residential areas, and it shall not be used for small sites mixed in with other uses.

ARTICLE III

OFFICIAL ZONING MAP

300 Official Zoning Map. The locations of the districts established in Article II of the Zoning Ordinance are hereby established on the map which is designated as the "Official Zoning Map". The Official Zoning Map and all the notations, references and other information shown thereon are hereby adopted as a part of the Zoning Ordinance and have the same force and effect as if fully set forth or described herein. The original map, properly attested, shall be and remain on file in the City office designated by the Mayor.

310 District Boundaries. The district boundary lines on the Official Zoning Map are intended to follow lot lines, or center lines of streets and alleys. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale and dimensions appearing on the Official Zoning Map.

ARTICLE IV

DISTRICT REGULATIONS

400 Compliance With Regulations. No structure shall be erected, converted or altered, nor shall any structure or land be used except for a purpose allowed in the district in which the structure or land is located as identified by the Official Zoning Map, except as provided in this Ordinance. No structure shall be erected, enlarged or altered except in conformity with the District Regulations, the Off-Street Parking and Loading Regulations, and the Supplementary Regulations of this Ordinance for the district in which such structure is located as identified by the Official Zoning Map. No part of a yard or other open space required about any structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other space similarly required for another structure.

401 Identification of Uses. Uses specifically listed for one district but not included in another are intentionally omitted from the latter; uses specifically listed as a conditional use but not included as a permitted use are intentionally omitted as a permitted use. Uses not specifically defined in the Zoning Ordinance carry their customary meanings. Questions of definition pertaining to uses allowed shall be decided by the Board of Zoning Appeals based on the intent of this Ordinance and the intent of any district in question.

410 District Regulations. The following district regulations are hereby adopted as minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Zoning District Name - Low Density Single Family Residential
Zoning Map Symbol - R - 3
Permitted Uses - Single family dwellings
 Accessory uses and structures
 Essential services
Conditional Uses - Public uses
 Quasi-public uses
 Public service facility
 Home occupation
Minimum Lot Requirements:
Area - 14,000 square feet
Width - 85 feet

Minimum Yard Requirements:

- Front - 30 feet or average existing dwelling setback, whichever is greater
- Rear - 20 percent of lot depth, but need not exceed 30 feet
- Each Side - One sixth of lot width, but need not exceed 8 feet
- Maximum Lot Coverage - 25 percent
- Maximum Height of Principal Building - 2½ stories, and shall not exceed 35 feet

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- Zoning District Name Medium Density Single Family Residential
Zoning Map Symbol - R-6
Permitted Uses - Single family dwelling
Accessory uses and structures
Essential services
Conditional Uses - Public uses
Quasi-public uses
Public service facility
Home occupation

Minimum Lot Requirements:

- Area - 6,500 square feet
- Width - 50 feet

Minimum Yard Requirements:

- Front - 30 feet or average existing dwelling setback, whichever is greater
- Rear - 20 percent of lot depth, but need not exceed 30 feet
- Each Side - One sixth of lot width, but need not exceed 8 feet
- Maximum Lot Coverage - 35 percent
- Maximum Height of Principal Building - 2½ stories, and shall not exceed 35 feet

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- Zoning District Name - Low Density Multi-Family Residential
Zoning Map Symbol - R - 12
Permitted Uses - Two family dwellings
Multi family dwelling not exceeding 4 dwelling units per structure
Townhouses not exceeding 6 attached dwellings
Accessory uses and structures
Essential services
Conditional Uses - Single family dwelling
Public uses
Quasi-public uses
Public service facility

Minimum Lot Requirements:

- Area - 7,000 square feet and a minimum of 3,500 square feet per dwelling unit
- Width - 50 feet for one dwelling unit plus an additional 10 feet for each additional dwelling unit

Minimum yard requirements:

- Front - 30 feet
- Rear - 20 percent of lot depth, but need not exceed 30 feet
- Each Side - 8 feet
- Maximum Lot Coverage - 35 percent
- Maximum Height of Principal Building - 2½ stories, and shall not exceed 35 feet

Zoning District Name - Medium Density Multi-Family Residential
Zoning Map Symbol - R - 24
Permitted Uses - Townhouses
Multi-family dwellings not exceeding 12 dwelling units per structure
Accessory uses and structures
Essential services
Conditional Uses - Multi-family dwellings containing more than 12 but not more than 24 dwelling units per structure
Rooming house, boarding house, or dormitory
Minimum Lot Requirements:
Area - 7,200 square feet and a minimum of 1,800 square feet per dwelling unit
Width - 80 feet plus an additional 10 feet per dwelling unit over 4 units, but need not exceed 150 feet
Minimum Yard Requirements:
Front - 30 feet but shall not be less than $\frac{1}{3}$ the sum of the height and length of the principal building as it faces the front
Rear - 20 feet but shall not be less than $\frac{1}{4}$ the sum of the height and length of the principal building as it faces the rear
Each Side - 8 feet but shall not be less than $\frac{1}{6}$ the sum of the height and length of the principal building as it faces each respective side
Maximum Lot Coverage - 45 percent
Maximum Height of Principal Building - 3 stories, and shall not exceed 40 feet

Zoning District Name - Planned Unit Residential
Zoning Map Symbol - PUR
Permitted Uses - The following, with approval by City Council as set forth in Article VII:
Single Family dwelling
Two family dwelling
Townhouse
Multi-family dwelling
Accessory uses and structures
Essential services
Public uses
Quasi-public uses
Public service facility
Conditional Uses - (not applicable)
Minimum Lot Requirements:
Area - ~~60,000 square feet~~ *2 acres*
Width *250* - 200 feet
Depth *250* - 200 feet
Minimum Yard Requirements:
- None, but must be approved by City Council as set forth in Article VII
Maximum Lot Coverage - 45 percent, but must be approved by City Council as set forth in Article VII
Maximum Height of Principal Building - None, but must be approved by City Council as set forth in Article VII

Zoning District Name - Neighborhood Commercial
Zoning Map Symbol - NC
Permitted Uses - Grocery stores, drug stores, beauty shops, barber shops, dry cleaning pick-up stations, and professional offices
Accessory uses and structures
Essential services
Conditional Uses - Retail sales, retail services, and offices of a scale and intensity similar to permitted uses
Dwelling units on the second floor with a minimum lot area of 1,800 square feet per dwelling unit
Public uses
Quasi-public uses
Public service facility
Minimum Lot Requirements: - (no district requirement)
Minimum Yard Requirements:
Front - 30 feet
Rear - 25 feet
Each Side - (no district requirement)
Maximum Height of Principal Building - 2 stories, and shall not exceed 30 feet

Zoning District Name - Office Commercial
Zoning Map Symbol - OC
Permitted Uses - Administrative, business, professional and similar office uses
Essential services
Accessory uses and structures
Conditional Uses - Drive-in or outdoor facility developed in association with a permitted use
Photographic studios, funeral homes, educational and research services, clinics, and similar uses
Public uses
Quasi-public uses
Public Service facility
Minimum Lot Requirements:
Area -- 6,000 square feet
Width - 50 feet
Minimum Yard Requirements:
Front - 30 feet
Rear - 25 feet
Each Side - (no district requirement)
Maximum Height of Principal Building - 2 stories, and shall not exceed 35 feet

Zoning District Name - Community Commercial
Zoning Map Symbol - CC
Permitted Uses - Retail sales to include general merchandise, food, apparel and accessories, home furnishings and equipment, drug stores, gift and specialty shops, sporting goods, office supplies and hardware

Retail services to include photographic studios, dry cleaners, barber and beauty shops, eating places, and small item repair services.
Essential services
Accessory uses and structures

Conditional Uses

- Offices
- Outdoor facility developed in association with permitted use
- Commercial amusement and recreation
- Hotel or motor hotel
- Commercial parking lot
- Other commercial uses similar to permitted uses and fulfilling the intent of the district
- Dwelling units on second and third floors with a minimum lot area of 1,200 square feet per dwelling unit
- Public uses
- Quasi-public uses
- Public service facility

Minimum Lot Requirements:

- (no district requirement)

Minimum Yard Requirements:

Front - 10 feet

Rear - 25 feet

Each Side - (no district requirement)

Maximum Height of

Principal Building

- 3 stories, and shall not exceed 45 feet

Zoning District Name

- Commercial Service

Zoning Map Symbol

- CS

Permitted Uses

- Retail services to include personal and repair services, automobile repair, service stations, and eating places
- Essential services
- Accessory uses and structures

Conditional Uses

- Drive-in or outdoor facility developed in association with a permitted use
- Retail sales providing a special convenience service
- Offices
- Public uses
- Quasi-public uses
- Public service facility

Minimum Lot Requirements:

Area - 10,000 square feet

Width - 100 feet

Minimum Yard Requirements:

Front - 30 feet

Rear - 25 feet

Each Side - (no district requirement)

Maximum Height of

Principal Building

- 2 stories, and shall not exceed 35 feet

Zoning District Name

- Planned Unit Commercial

Zoning Map Symbol

- PUC

Permitted Uses

- With approval by City Council as set forth in Article VII;
- All permitted and conditional uses of any zoning district in this Ordinance, provided that commercial uses occupy at least 50 percent of the gross floor area

Conditional Uses --(not applicable)
 Minimum Lot Requirements:
 Area -- ~~60,000 square feet~~ *2 acres*
 Width *250* ~~200~~ feet
 Depth *250* ~~200~~ feet
 Minimum Yard Requirements:
 -- None, but must be approved by City Council as set forth in Article VII
 Lot Coverage -- A minimum of 20 percent of the lot area must be devoted to open pedestrian walkways and landscaping
 Maximum Height of Principal Building -- None, but must be approved by City Council as set forth in Article VII

Zoning District Name --Open Space
 Zoning Map Symbol --OS
 Permitted Uses -- Public uses
 Quasi-public uses
 Accessory uses and structures
 Essential services
 Conditional Uses -- Public service facility
 Dwelling units developed in association with a permitted use
 Minimum Lot Requirements:
 Area -- 5 acres
 Width -- (no requirement)
 Minimum Yard Requirements:
 Front -- 30 feet but shall not be less than 1/3 the sum of the height and length of the principal building as it faces the front
 Rear and each Side -- 20 feet but shall not be less than 1/4 the sum of the height and length of the principal building as it faces each side
 Maximum Lot Coverage -- 45 percent average for all contiguous land under one ownership
 Maximum Height of Buildings -- 3 stories or 45 feet, but with adequate yards may be waived with a special permit from the Board of Zoning Appeals

ARTICLE V

OFF-STREET PARKING AND LOADING

REGULATIONS

500 General Off-Street Parking Regulations. Off-Street automobile parking spaces shall be provided for every land use on any lot or any time any building or structure is erected, enlarged or increased in capacity, or converted to a more intense use in accordance with the following requirements.

- (1) Each parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- (2) There shall be provision for convenient and safe ingress and egress to all parking spaces from an appropriate public street or alley.

- (3) All off-street parking areas including access drives and aisles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.
- (4) An access drive shall not exceed the normal width necessary to allow for a convenient movement of traffic and shall not be used for temporary or permanent parking except by special permit of the Board of Zoning Appeals.
- (5) Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises, unless approved by adjoining property owners.

501 Minimum Number of Off-Street Parking Spaces Required.
 A minimum number of off-street parking spaces shall be provided in accordance with the following schedule.

<u>Use</u>	<u>Required Off-Street Parking Spaces</u>
Residential	Two spaces per dwelling unit
High-Intensive commercial uses including eating and drinking places, barber and beauty shops, quick service food stores, cafeterias, and similar uses	One space per 100 square feet of floor area
Low-Intensive commercial uses including home furnishings and large item display establishments	One space per 250 square feet of floor area
Special commercial uses with unique parking characteristics, e.g. hotel, theatre, or bowling alley	Based on approved formula or substantiated user estimates, but in no case less than one space per 500 square feet of floor area
Retail sales, service, or office uses, not classified above.	One space per 250 square feet of floor area
Public and quasi-public	Based on approved formula or substantiated user estimates, but in no case less than one space for each 5 persons 16 years old or over the establishment is designed to serve

502 COMPUTING THE NUMBER OF SPACES. Where two or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of their individual requirements. The parking spaces required shall be to the next highest whole number where a fractional space results in computation.

503 Location of Off-Street Parking. Required off-street parking spaces shall be located subject to the following provisions.

- (1) Spaces shall be located on the same lot as the structure or use served, except by special permit of the Board of Zoning Appeals.
- (2) No spaces or aisles shall be located in the required front yard in the R-3, R-6, R-12, R-24 or the OS District.
- (3) In the OC and CC Districts, no spaces or aisles shall be located in front of the principal building or use.
- (4) In the NC and CS Districts, parking spaces and aisles in the front yard must be set back 10 feet. This setback may be reduced with appropriate screening by special permit of the Board of Zoning Appeals.

On page 10, Section 503, item 4, change: "In the NC and CS Districts" to "In the NC, GC, and CS Districts".

- (5) In residential districts or on any lot directly adjoining a residential district, all off-street parking areas with 3 or more spaces shall be separated from an adjacent residential property by a yard space of 10 feet or more, or by appropriate screening with special permit of the Board of Zoning Appeals.

504 Exceptions to the Number of Spaces Required. With special permit of the Board of Zoning Appeals the following exceptions may be made to the number of off-street parking spaces required:

- (1) Up to 25 percent of the required spaces may be eliminated for uses bordering on a street beginning or ending in the City where adequate on-street parking is available and it will not cause significant problems. For one to four family dwellings, one space may be eliminated.
- (2) Spaces may be reduced, with substantial evidence of over 25 percent walk-in use, proportional to the amount over 25 percent walk-in use.

510 Off-Street Loading Requirements. In any district, in connection with every building or part thereof hereafter erected, and having a gross floor area of 5,000 square feet or less, which is to be occupied by retail sales use or other use similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each additional 10,000 square feet, or major fraction thereof, of gross floor area. Each loading space shall be not less than 12 feet in width, 15 feet in height, and 50 feet in length for tandem trailers, or 30 feet for two axle trucks, plus adequate area for ingress and egress. Such space shall not be in the required front yard nor shall it occupy any required off-street parking space.

ARTICLE VI

SUPPLEMENTARY REGULATIONS

600 Establishment. The following regulations in article VI pertaining generally and uniformly to the arrangement and development of land and structures within the zoning districts adopted in Article II, are hereby established and adopted as supplementary to the District Regulations and the Off-Street Parking and Loading Regulations, Articles IV and V.

601 Visibility at Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2½ and 10 feet above the center line grades of the intersecting streets in the area bounded by the curb lines of such corner lots and a line joining points along said curb lines 50 feet from the point of intersection.

602 Additional Yards for Corner Lots. Yard requirements along the side street of a corner lot shall be as follows:

- (1) In residential districts the yard requirement shall be 20 feet except that for lots of 41-50 feet it shall be 15 feet, and for lots of 40 feet or less it shall be 10 feet, ~~and for lots of 40 feet or less it shall be 10 feet~~, and except that in the R - 24 district it shall not be less than ¼ the sum of the height and length of the principal building as the building faces the side street.
- (2) In residential districts accessory uses and detached structures shall be located a minimum of 5 feet farther back from the side street than the principal structure is allowed.
- (3) In commercial districts, the yard requirement shall be 10 feet.

603 Front Yards for Through Lots. On through lots no structures or accessory uses shall be permitted within 20 feet of the rear lot line.

604 Side Yards in Commercial Districts. For every building in any commercial district there shall be a side yard along one side of such building of sufficient width to permit fire fighting equipment to reach the rear yard, and the same shall be kept clear for the passage and use of such equipment for a width of not less than 8 feet; provided, however, that if the rear yard abuts on a public alley or street, only the standard district regulation for side yards need apply.

Wherever a lot in a commercial district is adjacent on its side to a lot in a residential or open space district, the lot in the commercial district shall be required to provide a side yard of not less than 8 feet.

605 Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

610 Yards Required Open. The yard spaces required for a use or structure shall remain free of all uses or structures with the following exceptions.

- (1) Fences, walls, and landscaping shall be permitted in any required yard or along the edge of any yard provided that no fence or wall is permitted in the required front yard without special permit of the Board of Zoning Appeals
- (2) Eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed 3 feet
- (3) Unenclosed porches may extend 8 feet into the required front yard. If uncovered a porch may extend 4 feet into a required side yard. Porches in the required rear yard are permitted if they meet all accessory use requirements.
- (4) Parking areas shall be permitted in required yards only as specified in Article V.
- (5) Accessory structures and uses shall be permitted in the rear yard but shall be at least 3 feet from all property and right-of-way lines provided that ample yard space be left open for the entrance and use of fire protection equipment. Detached garages shall not be located less than 10 feet from a principal structure.

611 Yards Not Otherwise Required. Yard space not otherwise required but provided shall be 5 feet or more in width.

612 Erection of More than One Principal Structure on a Lot. In any district, more than one structure containing a principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot except as allowed in PUR and PUC Districts.

613 Vacant Lots of Buildings. Any principal use or building where use is discontinued for a period of 90 days or more shall be secured from illegal entry, damage, and hazard to or from the general public, and shall be maintained in a condition compatible with occupied uses and buildings nearby. Any outdoor facilities or special equipment shall be removed, enclosed, or otherwise cared for in a manner protecting the public interest. Use of the lot for parking or similar uses, without special permit of the Board of Zoning Appeals, shall be deemed a new principal use and shall be subject to all the regulations of this Ordinance.

620 Accessory Uses and Structures. Accessory uses and structures shall be permitted in association with a principal use or structure provided that the following requirements are met.

- (1) It shall be 35 percent or less of the gross floor area of the principal use or structure, except where additional space is necessary to meet off-street parking requirements.
- (2) It shall not contain or be used as a dwelling unit.
- (3) It shall not exceed 15 feet in height without special permit of the Board of Zoning Appeals.
- (4) It shall meet all yard requirements of a principal use except as specified in Section 610.
- (5) Special equipment in a commercial district may be allowed a reduction of the above requirements where it meets the intent of the Ordinance with special permit of the Board of Zoning Appeals.

621 Private Swimming Pools. A private swimming pool shall be permitted as an accessory use to any permitted residential use provided it meet the requirements of Ordinance No. 4-59, or as that ordinance is modified or superseded.

622 Temporary Structures. Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress and shall meet the requirements of this ordinance for accessory structures except with special permit of the Board of Zoning Appeals.

623 Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property other than in completely enclosed buildings. A maximum of one boat or one travel trailer may be stored in the rear yard on any property if they have a current license and meet the requirements in this ordinance for accessory structures.

630 Exceptions to Height Regulations. The height limitations contained in Article IV do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. However, such appurtenances shall not exceed the district height limitations by more than 50 percent without special permit of the Board of Zoning Appeals.

640 Home Occupations. A home occupation may be allowed as a conditional use as specified in Article IV provided that the following additional conditions are met.

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside appearances of the building or premises, or other visible or nuisance evidence of the conduct of such home occupation.
- (4) There shall be no sales in connection with a home occupation.
- (5) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home occupation shall be met off the street and other than in a required front yard.

ARTICLE VII

ADMINISTRATION

700 Non-Conformities. Existing lots, structures and accessory development or the use of lots and/or structures which would not be allowed under the regulations for the Zoning District in which they are located or under the other regulations of this ordinance shall be considered as non-conforming. It is the intent of the Zoning Ordinance to permit non-conformities to continue, not to encourage their continued use or expansion and to require reasonable terms for their conformity where no unreasonable hardship is expected.

701 Non-Conforming Lots of Record. The construction of a conforming structure and/or the conduct of a conforming use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or use in the Zoning District in which the lot is located, provided that all other requirements, including minimum yards and off-street parking, are met.

702 Non-Conforming Structures. Principal and/or accessory structures, which by reason of size, type, locations on the lot, or otherwise in conflict with the regulations of the Zoning District in which they are located may be altered, reconstructed or extended only in such manner that the alteration, reconstruction or extension will comply with the regulations of the Zoning Ordinance.

703 Non-Conforming Uses. The non-conforming use of a lot and/or a structure may be continued, expanded or changed subject to the following provisions.

- (1) Change of a non-conforming use shall be allowed to a permitted use of the Zoning District in which the non-conforming use is located.
- (2) On approval of the Board of Zoning Appeals a non conforming use may be changed to a conditional use or a use found to be more nearly in character with the Zoning District than the existing non-conforming use.
- (3) On approval of the Board of Zoning Appeals a non-conforming use may be expanded within an existing structure manifestly arranged or developed for such use.
- (4) No non-conforming use may be reestablished where such non-conforming use has been discontinued for a period of six months. Any structures specifically designed and generally limited to the discontinued non-conforming use shall be removed from the lot as soon as possible after the six month period and in no case more than one year after the use has been discontinued.
- (5) The non-conforming use of any structure damaged by fire, explosion, flood, riot or act of God may be continued and used as before any such calamity, provided the structure has not been destroyed to an extent of more than one-half the replacement cost at the time of destruction, and provided such reconstruction is started within one year of such calamity and is continued in a reasonable manner until completed.
- (6) A conditional use as allowed within a Zoning District shall be considered as a conforming use.

704 Non-Conformities Which Shall Be Required to Conform. The following uses or structures where non-conforming shall be required to conform to the regulations of the Zoning Ordinance within a period of 2 years after given official notice of the non-conformity except where the lessee or owner can demonstrate such conformity would cause an equal or greater violation of other regulations in this Ordinance or it would place an unreasonable hardship on the owner or lessee:

650 Signs. Signs shall be allowed only as specified and defined in Ordinance No. 28-68, or as that ordinance is modified or superseded.

660 Flood Plains. No structure or fill shall be permitted within the area limits of the January 1959 flood or any more recent floods covering a greater area unless it meets the following conditions.

- (1) Flood proofed structures and fill may be allowed containing no dwelling units where it is determined that such structure and/or fill will not significantly restrict the natural flow of flood waters ~~with~~ ^{by} special permit ~~of~~ the Board of Zoning Appeals and approval by the City Engineer.
- (2) Structures and fill may be allowed where it is determined that the threat of flooding has been virtually eliminated due to the provision of flood control or protection works ~~with~~ special permit of the Board of Zoning Appeal and approval by the City Engineer.
- (3) In no case shall a structure or fill be permitted within 50 feet of the channel of Alum Creek which 50 feet shall not be used to fulfill any other yard requirements of this ordinance, the same being necessary to preserve the capacity of the floodway and to allow for critical improvements.

670 Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

671 Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation any equipment at any point other than that of the creator of such disturbance.

672 Noise. Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

673 Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

674 Air Pollution. No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted which are harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

675 Erosion. No erosion, by either wind or water, shall be permitted which will carry objectional substances onto neighboring properties.

676 Water Pollution. Water Pollution shall be subject to the requirements and regulations established by the Ohio Water Pollution Control Board.

- (1) Off-street parking or loading, including lack thereof;
- (2) Signs.
- (3) Accessory uses or structures in the flood plain;
- (4) Accessory uses or structures in required yards;
- (5) Accessory or supplemental uses for which the structure was not primarily intended; and
- (6) Similar uses and structures where conformity would not place an unreasonable hardship on the owner or lessee.

710 Zoning Officer. The building inspector shall serve as the Zoning Officer and administer this zoning ordinance until such time as City Council shall authorize the employment of a separate zoning officer. Appeal from the decision of the zoning officer may be made to the Board of Zoning Appeals, as provided in Section 721.

711 Zoning Certificates Required. ^{all below} It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a zoning certificate shall have been issued therefor by the zoning officer. It shall be the duty of the zoning officer to issue a certificate if, and only if, the structure, building or premises, and the proposed use thereof, conform with all the requirements of the Zoning Ordinance, or if directed to do so by the Board of Zoning Appeals or City Council as allowed by this Ordinance.

712 Application for Zoning Certificate. Every application for a zoning certificate shall be accompanied by a plot plan in triplicate and such other plans and information needed to satisfy the zoning officer and Board of Zoning Appeals that the provisions of this Ordinance will be met. One copy of the plans shall be returned to the applicant, marked as approved or disapproved. Every zoning certificate shall state that the structure or the proposed use of a structure or land complies with all the provisions of the Zoning Ordinance. Copies of all applications, plans, and zoning certificates shall be maintained by the zoning officer.

713 Zoning Certificate Time Limit. Zoning certificates shall only be issued for ~~the~~ shall only be valid for a period of six months, except for planned unit developments as set forth in Section 732. Zoning certificates may be renewed by the zoning officer.

714 Building Permit. It shall be unlawful to issue any building permit prior to the granting of an approved and valid zoning certificate by the zoning officer.

715 Construction and Use to Be as Provided in Zoning Certificate. Zoning certificates issued on the basis of plans and applications approved by the zoning officer, or others as specified in this Ordinance authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with or in addition to that authorized shall be deemed a violation of the Zoning Ordinance.

720 Board of Zoning Appeals. There is hereby established a Board of Zoning Appeals which shall consist of five members appointed by the Mayor and approved by the City Council. The Mayor with approval by the City Council, shall choose a successor to fill any vacancy. The five members first appointed shall serve for terms of one, two, three, four, and five years respectively; thereafter appointments shall be for five year terms. ^{only} ~~Members~~ of the City Planning Commission may be appointed to serve on the Board of Zoning Appeals. The board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance.

On Page 16, Section 711 Zoning Certificates Required, the first sentence should be changed to read:

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use until a zoning certificate shall have been issued therefor by the zoning officer.

721 Appeals. The Board of Zoning Appeals shall have the power to hear and decide appeals which have been duly filed with the zoning officer where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the zoning officer or other administrative official in the interpretation of the provisions of the Zoning Ordinance. The Board may reverse, affirm or modify the order, requirement, decision or determination appealed and so to that end shall have all powers of the zoning officer.

722 Variances. The Board of Zoning Appeals shall have the power to authorize variances from the regulations of the Zoning Ordinance. A variance is a modification of the regulations of the Zoning Ordinance where such modification will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Ordinance. Variances may be granted only where the following requirements are met:

- (1) literal enforcement of this Ordinance results in an unnecessary hardship with respect to the property;
- (2) the unnecessary hardship is caused by unique characteristics of the property which are not applicable to other properties in the same district, and that the unique characteristics do not result from the actions of the applicant; and
- (3) the variance observes the intent of the ordinance produces substantial justice, and is not contrary to the public interest.

723 Conditional Uses. The Board of Zoning Appeals shall have the power to approve applications for conditional uses specified in Article IV. The proposed use shall be approved if, and only if, it meets the intent of the Zoning Ordinance, the intent of the Zoning District in which the property is located, fits harmoniously with adjacent uses and structures, and complies with all other provisions of this Ordinance.

724 Special Permits. The Board of Zoning Appeals shall have the power to grant special permits as authorized in the Zoning Ordinance. A special permit shall be approved if, and only if, it meets the intent of this Ordinance, the intent of the provision authorizing the special permit, and complies with all other provisions of this Ordinance. Special permits shall not be granted unless specifically authorized in this Ordinance and unless any special conditions required are fully met.

725 Non-Conforming Uses. The Board of Zoning Appeals shall have the power to permit changes and extensions of non-conforming uses as follows:

- (1) A non-conforming use of a less objectional nature may be substituted for an existing, legal non-conforming use.
- (2) An existing, legal non-conforming use which occupies only a portion of an existing structure may be extended throughout such structure manifestly arranged or developed for such use.
- (3) The Board may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interests.

726 Performance Requirements. In appeals to the Board of Zoning Appeals from decisions of the zoning officer involving performance requirements, sections 670-676, the procedure may include the following:

- (1) the Board may require a plan of the proposed construction or development, a description of any proposed machinery or special equipment, and specifications for same to be used in meeting the performance requirements; and
- (2) the Board may require reference of the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant.

730 Amendments. City Council may by ordinance subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries of the Zoning Ordinance. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments to the City Council.

731 Procedure for Change in Zoning Districts. Applications for change of district boundaries as shown on the Official Zoning Map shall be submitted to the Planning Commission, upon such forms and accompanied by such data and information as may be prescribed for that purpose by the Planning Commission. Each proposal for a zone change shall be accompanied by a reproducible vicinity map at a scale approved by the zoning officer, showing the property lines, streets, and existing and proposed zoning for the property and for nearby properties. Amendments to the Zoning Ordinance may be initiated by adoption of a motion by the Planning Commission, by adoption of a resolution by City Council, or by the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment. The procedure for amendment of the Zoning Ordinance shall follow the Ohio Revised Code, Chapter 713.

732 Procedure for Approval of a Planned Unit District. Planned unit development, with applications for amendment to PUR District or PUC District zoning, shall follow the procedures set forth in Sections 730 and 731 and shall also meet the following provisions.

- (1) Preliminary and final approval shall be required of a detailed development plan by City Council, with review and written advice from the zoning officer, the Planning Commission, and the Board of Zoning Appeals.
- (2) The detailed development plan shall include existing and proposed topography, property lines, land use, structures, streets, rights-of-way, utilities, number of dwellings, floor space of non-residential use, off-street parking, open yards, and similar items and/or text, explaining and demonstrating how the proposed development will fit the intent of the Zoning Ordinance and justify not meeting the standard zoning district regulations.
- (3) Final approval of the detailed development plan shall be granted only after it has been found that:
 - (a) any exception from standard zoning district requirements appropriate for the site is warranted by the design and other amenities incorporated in the plan;
 - (b) any exception from the standard zoning district requirements will not be detrimental to the surrounding properties, to other residents of the City and surrounding areas or to the public facilities and services in the City and surrounding areas;
 - (c) each individual unit of the development will meet the intent of this Ordinance if full development of the plan fails; or that

development is programmed in such a manner that at the end of any one stage of development the development will meet the intent of this Ordinance; and

- (4) If no construction has begun within two years after Council approval, the approval and zoning certificate shall be void and the land shall revert to the zoning district in effect immediately prior to approval.

740 Fee Schedule. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, appeals, and other matters, pertaining to the Zoning Ordinance. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

750 Penalties for Violation. Violation of the provisions of the Zoning Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Ordinance, shall constitute a misdemeanor. Any person who violates the Zoning Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$50. and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations.

ARTICLE VIII

DEFINITIONS

For the purposes of the Zoning Ordinance, certain terms or words used herein shall be interpreted according to the definitions presented in this article. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular includes the plural, and the plural includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied". The word "lot" includes the words "plot or parcel"; the word "property" is meant to include a lot and the improvement thereon. Except as defined below, all words used in this Ordinance shall carry their customary meanings.

Accessory Use of Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. An accessory structure may be attached to or detached from the principal structure. Parking structures or lots are accessory structures or uses except where they are the principal structure or use or where they are an integral part of the principal structure or use.

Average Setback: The average distance back for a structure from the ~~street line~~ on any street where principal structures have been erected on at least 25 percent of the lots situated between two adjacent streets.

FRONT
LOT
LINE

Building: Any structure designed or intended for the support ~~and protection of persons, animals, chattels,~~
On page 20, change definition of Building Height to read as follows:

Building Height: The vertical distance measured from the average elevation of the ground at the front of the building (before construction) to the highest point of the roof for flat roofs, to the mean height between eaves and ridge for gable, hip and gambrel roofs, and to the mean height between the top line of the roof face or roof side and the ridge for mansard roofs.

Building Height: The vertical distance measured from the average elevation of the ground at the front of the building (before construction) to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Length: Length of the building wall most nearly parallel with the front, rear, or side yard in question.

Commercial Uses-

High-Intensive: Commercial uses customarily or by design serving a relatively large number of persons, including customers, patrons, and employees, per measurement of floor area during their average peak hour of service.

Low-Intensive: Same as above except "serving a relatively small number of persons".

Conditional Use: A use permitted within a zoning district but requiring review and approval by the Board of Zoning Appeals for compatibility with the intent of the district, appropriate location within the district, and any additional requirements necessary to ensure its compatibility.

Corner Lot: A lot located at the intersection of two or more streets. Also a lot abutting on a curved street or streets if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. The front of a corner lot shall be determined on the basis of established street address, but it may be determined otherwise by the Board of Zoning Appeals in unusual circumstances.

Drive-in Facility: Any place or premises used for sale or services to persons remaining in their automobiles, including those establishments where customers may serve themselves and may consume the food, or beverages in their automobiles.

DWELLING UNIT: Space, within a building, designed for occupancy by one family for living purposes and having cooking, bathing, and toilet facilities, provided that unless all members of a family are related by blood or marriage, or are domestic servants employed on the premises, no such family shall contain over five persons.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Fill: Any material used to or having the effect of building up low ground which would reduce the flood carrying capacity in the flood plains.

Floods - Area Limits: The flood plains of a river as recognized or supported by the latest studies and surveys of official government agencies, including the Department of Natural Resources, State of Ohio, and the Corps of Engineers, U.S. Department of the Army.

Floor Area: The floor area of the specified use excluding stairs, washrooms, elevator shafts, storage spaces, and similar areas.

Insert on page 20, following Drive-In Facility and preceding Dwelling Unit:

Dwelling: A building consisting of one or more dwelling units, as follows:

- Single family dwelling - consisting of one dwelling unit only;
- Two family dwelling - consisting of two dwelling units only;
- Multi-family dwellings - consisting of three or more dwelling units only.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including any permitted buildings together with required yards and parking spaces, having its principal frontage upon a street or an approved private street. A lot may include a single lot of record, a portion of a lot of record, or a combination of these provided that in no case shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot plus the ground area of all required off-street parking and loading spaces to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth: The average horizontal distance between front and rear lot lines. *SEE BELOW*

Lot Width: The average horizontal distance between side lot lines.

Multi-Family Dwellings: A building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls, other than a townhouse.

Outdoor Facility: Outdoor display of sale items or outdoor provision of services, other than drive-in facilities.

Permitted Use: Uses specifically allowed within a zoning district.

Principal Use of Structure: The main or primary use or structure of a lot.

Professional Offices: Offices and related spaces for professional services as are provided by doctors, lawyers, architects, engineers, and similar professions.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses: Public parks, schools, and administrative and cultural, buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Quasi-public Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature

Screening: Any acceptably designed wall, fence, or planting arrangement of appropriate height and density, and ~~maintained~~ *BLANK* in good condition.

Service Station: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major body or mechanical repair work.

Single Family Dwelling: A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Insert on page 21, following Lot Depth and before Lot Width:

Lot of Record: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Standard Zoning District: A zoning district established in this Ordinance other than a planned unit district, PUR or PUG.

Story: That part of a building between the surface of a floor and the ceiling immediately above. A basement is considered as one-half a story if $\frac{1}{2}$ to $\frac{2}{3}$'s of its volume is above the average level of adjacent ground (before construction), and as one story if over $\frac{2}{3}$'s of its volume is above the level of adjacent ground or if it is used as a separate dwelling unit or establishment. An attic is considered as a story if it contains $\frac{2}{3}$'s or more as much volume as the story immediately below in the building or if it is used as a separate dwelling unit or establishment. Buildings containing split levels of stories are considered by the maximum number of stories in any individual section of the building

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structure includes buildings, walls, fences, and signs.

Through Lot: A lot other than a corner lot with frontage on more than one street.

Townhouse: A series of three or more dwelling units, designed similar to attached or semi-detached single family dwelling units, each with a ground floor and an individual entrance.

Two-Family Dwelling: A building consisting of two dwelling units which may be either attached side by side or one above the other.

Walk-in Use: Patronage of a building or use by persons not needing automobile parking nearby by reasons of living or working nearby, use of mass transit, or similar reasons.

Yards-

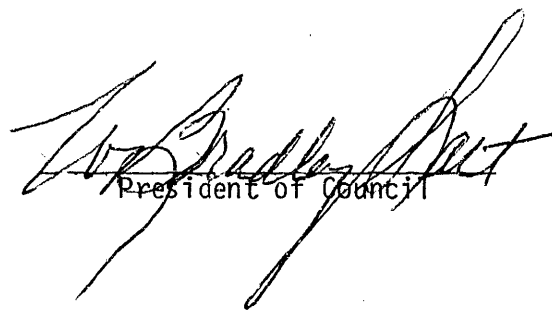
Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.


Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

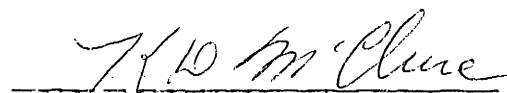
Passed: May 9th, 1972


President of Council

Attest:


Clerk of Council,
Pro-Tem

Approved: May 9th, 1972


Mayor

effective June 8, 1972

passed
5/10/72

22.