

CHAPTER 1103

REGULATIONS FOR ALL USE DISTRICTS

1103.01 PURPOSE

General regulations apply to all districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

1103.02 PERMITTED USES

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located.

The Planning Commission, with approval of Council, shall have the power to permit any use compatible in character to any of the specified uses listed under the permitted uses or conditionally permissible uses section of any district.

The Planning Commission may, where it deems necessary, submit to City Council for approval any compatible use not listed under the permitted use or conditionally permissible section in any use district.

1103.03 PERMITTED AREA, HEIGHT, NUMBER OF FAMILIES, AND YARD

No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area, height, number of families and yard regulations of the district in which the building is located.

1103.04 PERMITTED HEIGHT EXCEPTIONS

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. Such structure shall not have a total area greater than twenty-five percent of the roof area of the building, nor shall such structure be used for any residential purpose other than a use incidental to the main use of the building. Radio, television and wireless aerials or masts for individual residential or commercial site use may not be erected higher than 40 feet or 20 feet above the roof line for safety purposes without Planning Commission approval. All antennas, towers or other similar structures for commercial purposes must comply with Chapters 1123 and 1125 as applicable. (Ord. 55-97. Passed 9-15-97). However, in the Design Review District, the Design Review Board shall substitute for the Planning Commission for the approval of aerials or masts. (Ord. G-05. Passed 4-4-05.)

1103.05 FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS

In any R district where the average depth of at least two existing front yards on lots within one hundred feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Code, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of such existing front yards on the two lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining. However, the depth of a front yard on any lot shall be at least twenty-five feet. This does not apply to lots fronting on major or collector thoroughfares where the minimum front yard depth shall be measured from the right-of-way line and shall adhere to the requirements of this Zoning Code.

1103.06 FRONT YARD DEPTH ON MAJOR AND COLLECTOR THOROUGHFARES

Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the front yard depth shall be measured from the proposed right-of-way line.

1103.07 CONDITIONS AND SAFEGUARDS

The Planning Commission shall have the power to impose conditions to safeguard the intent and objective of this Zoning Code.

1103.08 APPROVAL OF WATER AND SANITARY SEWER FACILITIES

No building permit or zoning certificate shall be issued without evidence of sanitary sewer and water tap permits from the Department of Public Utilities of the City of Orrville. Any exception must be approved by the Public Utilities Board and the Wayne County Health Department.

1103.09 TRANSITION AREAS

To secure the optimum effect of transition from a residential to a nonresidential district, the Planning Commission shall where needed require plant materials, walls or fences, privacy mounds, or any combination of these on any property line of land under consideration. However, in the Design Review District, the Design Review Board shall substitute for the Planning Commission in specifying the requirements in this section. (Revised-Ord. G-05. Passed 4-4-05.)

1103.10 ESSENTIAL SERVICES

Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the state of Ohio or any ordinance of the City, it being the intention hereof to exempt such essential services from the application of this Zoning Code.

1103.11 PRIOR CONSTRUCTION

Nothing in this Zoning Code shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Zoning Code and upon which building actual construction has been diligently

carried on, and provided further that such building shall be completed within two years from the date of passage of this Zoning Code.

1103.12 PRINCIPAL BUILDING

No more than one principal building shall be permitted on any one residential lot.

1103.13 ACCESS TO STREET REQUIRED

In any district, every building shall have access to and be accessible from an improved street. If located in the rear of another building as on a lot that does not have frontage on a street, there shall be provided, for the purpose of ingress and egress, a strip of land not less than thirty feet in width and a maximum of four hundred feet connecting such building or lot with a street. Such strip of land shall not be built upon or be otherwise occupied or obstructed, but shall be maintained as an easement for ingress and egress until a street be provided in lieu thereof. No such easement or private court shall form a part of any yard or lot areas required in this ordinance.

1103.14 SUBSTANDARD LOTS

- A. Residential. Any lot in a single ownership in a residential district, which ownership was on record at the time of adoption of this Zoning Code, that does not meet the requirements of the Zoning Code for yards or other areas of open space, shall be utilized for single-family residential dwelling purposes only. The purpose of the provision is to permit utilization of recorded lots which lack adequate width or depth as long as the housing unit meets the square footage requirements for the district in which the lot is located. The Board of Zoning Appeals, upon proper application and for good cause, may vary setback lines and yard depths on existing substandard lots, subject to restrictions in Chapter 1119. In cases where adjoining lots or land is in the same ownership the owner shall replat to conform with this ordinance and any other applicable ordinances before said land may be used as a building site.
- B. Commercial and Industrial. Only those lots which are lots of record which are presently used, or have been used, for commercial or industrial uses within an existing commercial or industrial zoning district and which ownership was on record at the time of adoption of the Zoning Code, which do not meet the requirements of the Zoning Code for minimum lot width at minimum building setback line, minimum lot frontage, minimum lot area, or minimum open space, may be utilized for commercial or industrial uses under conditions established by the Planning Commission. The purpose of this provision is to permit utilization of recorded lots though they may not meet minimum area requirements of the district of which they are a part; however, the Board of Zoning Appeals, under proper application, and for good cause, may vary minimum and setback requirements on existing substandard lots, subject to restrictions of Chapter 1119 of this Zoning Code.

1103.15 CORNER LOTS

Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets as measured from the street rights-of-way.

1103.16 LOTS, YARDS, AND OPEN SPACES

No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Zoning Code, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

1103.17 VISIBILITY

No wall, fence or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility.

1103.18 DWELLINGS IN OTHER THAN MAIN STRUCTURE

No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling.

1103.19 DWELLINGS IN NONRESIDENTIAL DISTRICTS

No dwelling shall be erected in any C district or I district except as otherwise provided in this Zoning Code or for sleeping quarters without kitchen facilities, for a watchman or caretaker.

1103.20 ACCESSORY BUILDING

An accessory building attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of this Zoning Code applicable to the principal building.

1103.21 ACCESSORY BUILDINGS AND USES; YARD EXCEPTIONS

In any district, off-street parking spaces, private garages or other accessory buildings one story in height and detached from the main building, when located between the rear of the main building and the rear lot line, must be placed a minimum of five feet from the side and rear property lines.

1103.22 DRAINAGE CHANNELS AND FLOODPLAIN

Drainage channels and floodplain which exist and are essential for the maintenance of the health and general welfare of the people must be inviolate. Any encroachment upon, filling or destruction of these drainage channels or floodplain is a violation of this Zoning Code. In order to provide for the development of property for its best use, such as new subdivisions, the Director of Public Safety and Service shall determine what facilities are adequate to maintain the prime purpose of the drainage channel or floodplain.

1103.23 APPROVAL OF PLATS

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum area and width requirements set forth in the various districts of this Zoning Code.

1103.24 INCONSISTENCIES

In the event that any of the requirements or regulatory provisions of this Zoning Code are found to be internally incompatible or inconsistent one with another, the more restrictive or greater requirement shall be deemed in each case to be applicable.

1103.25 PROHIBITED USES

No use shall be permitted or authorized to be established which when conducted in compliance with the provisions of this Zoning Code and any additional conditions or requirements prescribed is or may become hazardous, noxious or offensive to the public due to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matters or water-carried wastes. Prohibited uses are listed in Section 1120.03.

1103.26 LANDSCAPING PLAN

- (a) A landscaping plan is required for all commercial, industrial and special use districts.
- (b) A landscape buffer/screening strip shall be provided for one or more of the following purposes:
 - (1) A visual barrier to partially or completely obstruct the view of structures or activities;
 - (2) An acoustic screen to aid in absorbing or deflecting noise;
 - (3) A physical barrier to contain debris and litter.
- (c) The landscape buffer/screening strip may consist of one or more of the following, or a combination of two or more, as determined by the Planning Commission. However, in the Design Review District, the Design Review Board shall substitute for the Planning Commission in making the determinations specified in this section. (Revised-Ord. G-05. Passed 4-4-05.)
 - (1) A solid masonry wall;
 - (2) A solidly constructed decorative fence;
 - (3) A louvered fence;
 - (4) A dense vegetative planting;
 - (5) A landscaped mounding.

Height of the landscaping/screening shall be in accordance with the following: Visual screening walls, fences, plantings, or mounds shall be a minimum of 5-1/2' high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than 3'. Plantings shall be a minimum of 4' in height at the time of planting, except in the required front yard.

Landscape buffering/screening for the purposes of absorbing and deflecting noise shall have a depth of at least 15' of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Planning Commission in relation to the nature of the use. However, in the Design Review District, the Design Review Board shall substitute for the Planning Commission in making the determinations specified in this section. (Revised-Ord. G-05. Passed 4-4-05.)

Whenever required screening is adjacent to parking areas or driveways, such landscape bufferings/screenings shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.

All landscape buffering shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs or other signs for the efficient flow of vehicles. See sections 1107.04(M) and 1107.06 (D) also. (Ord. 78-95. Passed 12-4-95.)

1103.27 SITE PLAN REVIEW; CONFORMANCE

- A. No permitted commercial, industrial, airport, or any conditionally permitted use shall be permitted until review and approval of the site plans by the Planning Commission, which shall determine that the plan is consistent with the purposes and requirements of this Zoning Code, and that the specific standards set forth in Chapter 1111 (for conditional zoning certificates) and the general requirements set forth herein will be met. The Planning Commission shall act on any site plan submitted under this section within ninety-five days of the time of official submission to the Director of Public Safety and Service or his designee. Any person submitting a site plan may agree to a longer period of review by the Planning Commission. When the Planning Commission finds it necessary to maintain a strict record of public hearing procedures, the applicant will bear all direct and related costs. When the Planning Commission deems it necessary to cause special studies to be made, the applicant shall provide such studies. In order to promote the orderly development of the site plan to required specifications, the Planning Commission and the Director of Public Safety and Service shall encourage preliminary discussions by and with the applicant and the Planning Commission and prior to formal application for a zoning certificate or conditional zoning certificate a review by the Director of Public Safety and Service to assure the following information is provided:
1. The site plan shall be drawn to a legible scale, shall show topographical features of the lot, building placement, and activity area, and shall include a circulation and parking plan, planting and landscape plan, and architectural plans with engineering and construction information. A description of the proposed development or operation shall be provided in sufficient detail to indicate possible emission of energy or matter beyond the lot lines, with engineering plans for the handling of any excesses thereof.
 2. The site plan shall show that a proper relationship will exist between thoroughfares, service roads, driveways and parking areas to encourage

pedestrian and vehicular traffic safety on both public and private lands, in accordance with standards and regulations established therefor by the Director of Public Safety and Service.

3. All the development features, including the principal buildings, open spaces, service roads, driveways and parking areas, shall be so located and related as to minimize the possibility of adverse effects upon adjacent development.
4. The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture materials, line and pattern, and character.
5. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.
6. Maximum possible visual and auditory privacy for surrounding properties and occupants shall be provided through the design of the relationship among buildings, fences and walls, landscaping, topography and open spaces.
7. In large parking areas, visual relief and traffic channelization shall be provided through the use of trees, planted and landscaped dividers, islands and walkways.
8. Where applicable, a landscape plan showing screening of parking areas and service areas from surrounding properties shall be provided through landscaping and/or ornamental walls or fences where necessary to promote harmony with adjacent development. Materials used in any ornamental wall or fence shall be compatible with the character of adjoining properties.
9. On-site traffic circulation shall be designed to make possible adequate fire and police protection.
10. In the case of commercial or industrial uses, adequate provision shall be made for the disposal of all wastes, in accordance with standards and regulations established therefore by the Director of Public Safety and Service.
11. In the interest of the community, the Planning Commission may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular operation to reasonably modify any injurious or offensive effect likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.
12. Parking and loading provisions shall meet the requirements of Chapter 1107.

13. All utilities, including cable TV, on the site shall be located underground when recommended by the Director of Public Safety and Service and approved by the Planning Commission.
14. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams, and public streets, during as well as after construction, to minimize the possibility of erosion. No open drainage channels are allowed in the City of Orrville. The Planning Commission may require that such grading plans be reviewed by Engineering or the U.S. Soil Conservation Service with any costs borne by the developer. The costs of any unusual means necessary to alleviate surface drainage problems on adjacent property due to development shall be borne by the developer of the property causing the problem.
15. The design and construction standards of all private roads, driveways and parking areas shall conform to the standards and regulations established therefor by the City Engineer.

B. Conformance with Site Plan:

1. All aspects of the development shall conform to the approved site plan. No injurious or offensive effects shall result from the development or operation. The control of effects such as noise, smoke, dust, fumes, odors, electrical interference and the storage and disposal of wastes shall meet accepted current standards.
2. It shall be a violation of this Zoning Code for any building or premises to be occupied or used prior to:
 - (a) Conformance with all applicable requirements of this Zoning Code; and
 - (b) Completion of required landscaping, drainage, parking and road and driveway improvements according to plans approved by the Planning Commission or the posting of a cash bond or other surety in a form approved by the Director of Law, with the City in an amount equal to the required improvements plus ten percent. The bond or surety shall be for a period not to exceed two years and shall provide for the complete construction of the improvements within that period.

C. Form of Approval in Large Projects. Where the Planning Commission considers it necessary, in order to assure that a large project will be developed consistent with the purposes of this Zoning Code, the Planning Commission may require that plans for a large project be submitted indicating development in phases if such project can logically be divided into phases. The Planning Commission shall review the entire project for conformance with all applicable regulations in this Zoning Code and shall give preliminary approval to the entire project if it so conforms. However, the Planning Commission shall have the power to limit final approval and authorization for the Director of Public Safety and Service to issue

zoning certificates to one section or phase of the total development at a time. Approval of subsequent phases shall be given:

1. upon substantial compliance with the plan given preliminary approval;
2. upon conformance with all applicable regulations of this Zoning Code; and
3. upon a finding by the Planning Commission that all preceding phases conform to all requirements of this Zoning Code and conform to approved plans including complete installation of improvements required in the approval of preceding phases, or, in lieu of complete installation, the submission of a financial guarantee acceptable to the City assuring that the improvements will be installed within one year of the submission of the guarantee.

D. Variances. The Planning Commission may modify the requirements of this section where unusual or exceptional factors or conditions require, or for large-scale developments, subdivisions of land or commercial and industrial developments. To modify these requirements where unusual or exceptional factors or conditions require, the Planning Commission shall:

1. find that unusual topographical or exceptional physical conditions exist;
2. find that strict compliance with these requirements would create an extraordinary hardship in the face of the exceptional conditions;
3. permit any such modification to depart from these requirements only to the extent necessary to remove the extraordinary hardship.

E. Design Review District Exception. In the Design Review District, the Safety-Service Director shall be substituted for the Planning Commission as the review and approval authority for all the requirements cited in this Section. The Safety-Service Director shall report findings to the Design Review Board who shall grant the ultimate approval of the site plan in a Design Review District. (Ord. G-05. Passed 4-4-05.)

1103.28 PLANNED COMMERCIAL DEVELOPMENT PROVISIONS

Due to unique planning problems caused by intensive commercial development in selected areas of the City, the Planning Commission may require the implementation of the following special requirements and standards within the specific boundaries of these selected areas:

A. Development Policy Plan Required. All uses permitted or conditionally permitted in all commercial districts shall be permitted only after review and adoption by the Commission and Council of an official Development Policy Plan as a guide for development within the boundaries of the specifically defined area. Such plan may be prepared by the City or by other interested parties. Such plan shall include, but not be limited to, a plan for:

1. Street and/or service roads serving the specific area;
 2. Location of traffic signals, driveway curb cuts, and median cuts, if applicable, serving the specific area;
 3. Open space within the specific area.
- B. Site Plan Review. All uses permitted or conditionally permitted in all commercial districts shall be permitted only after review and approval of the specific site plans by the Commission according to the standards, criteria and regulations of Section 1103.27 and of this section. Such site plans may be prepared and reviewed simultaneously with the preparation and adoption of a Development Policy Plan, required for this specific area. (Revised-Ord. G-05. Passed 4-4-05.)
- C. Discussion Meeting. In addition to the procedures for site plan review in Section 1103.27, owners of property in the specific area being considered, or their agents, should meet with the Director of Public Safety and Service or his designee prior to submission of a site plan to the Commission. For the purpose of the discussion meeting, a general discussion plan shall be prepared showing the relationship of any planned development to adjacent areas, locations of buildings and parking areas, internal circulation and relation to the adjacent thoroughfare system. At the discussion meeting, the Director of Public Safety and Service shall inform the applicant of the recommendations of applicable land use or thoroughfare plans for the area, the intent of the Development Policy Plan and other information necessary for the preparation of an acceptable site plan.
- D. Additional Standards. In addition to the site plan review standards in Section 1103.27(A), the Commission's review and action on site plans in the specified area shall also be based on the following standards.
1. Curb cuts, internal drives, parking areas and pedestrian walkways shall be designed to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.
 2. A new development may be required to include construction of a frontage road, or parallel driveway or private driveway of adequate length, with intersections to connect it with specified predetermined entrance/exit points.
 3. Where a frontage road, parallel drive or private driveway is required, all new development shall complete enough additional length of the frontage road, parallel driveway or private driveway, including intersections, to connect it with a specified entrance/exit point on the major thoroughfare.

4. Where a private driveway or private service road is permitted by the Commission, such driveway or service road may be approved with the condition that it be dedicated to the City in the future, at no cost to the City and at such time as deemed necessary to the public interest. Such driveways or service roads shall be constructed according to City standards for public streets.
 5. To provide access to adjacent properties or to an existing or planned parallel street or frontage drive, reciprocal easements may be required by the Commission. This mutual easement or access right shall provide access to adjacent properties and/or developments without the necessity of traveling on the public thoroughfare system.
 6. Under special conditions where a predetermined entrance/exit is off a development site, and a permanent private access drive is not deemed feasible by the Commission, the Commission may permit a temporary driveway. A temporary driveway will be permitted only if:
 - (a) the City obtains written assurances approved by the Director of Law that the use of such temporary drive will be abandoned when access to a planned parallel street or frontage drive or other thoroughfare is made available; and
 - (b) in the case where the new development does not include the construction of a planned parallel street, frontage road, access drive or other thoroughfare on the new development property, provisions are made that such street or drive will be constructed and, if appropriate, dedicated to the City when such street or drive is stubbed to the new development property.
 7. The Planning Commission may impose whatever conditions it deems necessary for orderly development, the preservation of the aesthetic quality of the area, and the general welfare of the community.
- E. Design Review District Exception. In the Design Review District, the Safety-Service Director shall be substituted for the Planning Commission as the review and approval authority for all the requirements cited in this Section. The Safety-Service Director shall report findings to the Design Review Board who shall grant the ultimate approval of the site plan in a Design Review District. (Ord. G-05. Passed 4-4-05.)

1103.29 DEVELOPMENT NEAR OIL AND GAS WELL SITES

When constructing a building of any nature, residential, commercial, industrial, or public, in an area where a permit has been approved for an oil or gas well, or where a well has been drilled or is in the process of being drilled, or where a producing well exists, the Planning Commission shall impose the same clearance from the oil/gas well as the requirements stipulated in Section 1121.07.

1103.30 DEVELOPMENT NEAR OIL WELL STORAGE TANKS

When constructing a building of any nature, residential, commercial, industrial, or public, in an area adjacent to oil storage tanks, the Planning Commission shall impose the same clearance from the oil storage tanks as required in Section 1121.25.

1103.31 CERTIFICATE OF OCCUPANCY

No new building or existing building undergoing change may be occupied unless a certificate of occupancy has been issued by the Director of Public Safety and Service specifying the building meets all requirements of the Planning Commission, Design Review Board, and Building Code. A temporary certificate of occupancy may be issued by the Director of Public Safety and Service for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion. (Revised-Ord. G-05. Passed 4-4-05.)

1103.32 BUILDING SETBACKS ON CUL-DE-SACS

The minimum front yard depth on a lot fronting on a cul-de-sac shall be measured by a chord which intersects the side property lines at the appropriate setback.

1103.33 TRANSPORTATION ANALYSIS

- A. A transportation analysis is required for:
 - 1. Any industrial or commercial development which proposes to take direct access to any collector or arterial road.
 - 2. Any residential development which will exceed twenty (20) dwelling units.
 - 3. Any use which will generate in excess of either two hundred and fifty (250) trips per acre per day or one hundred (100) trips per day.
- B. The transportation analysis must include:
 - 1. An estimate of the average daily number of automobile trips to and from the development when completed and fully occupied.
 - 2. An on-site circulation plan in conformance with Section 1105.31(C).
 - 3. The Director of Public Safety and Service and/or Planning Commission may, where necessary, make changes in the on-site circulation plans and require off-street improvements when needed for pedestrian and automobile safety.
 - 4. Off-street improvements necessitated by the development are to be made at the developer's expense.
 - 5. When the Planning Commission and/or the Director of Public Safety and Service deems it necessary to cause special studies to be made, they may

call upon the appropriate technical expertise and the applicant shall bear all direct and related costs. (Revised-Ord. G-05. Passed 4-4-05.)

1103.34 PERMIT WITHIN A FLOOD HAZARD AREA

Any proposed permitted use or conditionally permitted use within a flood hazard area as defined in Chapter 1303, Flood Damage Prevention, of the Codified Ordinances of the City of Orrville, shall require a special development permit from the Director of Public Service and Safety.

1103.35 PUBLIC HEARING

The Planning Commission must hold a public hearing prior to approval of a site plan on an application for use in a C-2 District which is adjacent to an R District. The Planning Commission must follow the procedure for holding a public hearing as detailed in Section 1111.02(E).

1103.36 MINIMUM LOT IN AN AREA NOT SERVICED BY A SANITARY SEWER

The minimum lot area shall be one (1) acre unless a larger lot size is required by the County Health Department.

1103.37 GENERAL YARD REQUIREMENTS

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Ordinance.

- A. Yard for Single Building: No required yard or other open space around one building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be erected or established.
- B. Yard Measurements:
 - 1. The minimum front yard depth shall be measured on the perpendicular from the street right-of-way line to the building setback line. Streets having no established right-of-way shall have such right-of-way established by classifying the streets according to classification in the subdivision regulations.
 - 2. The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to the nearest point of any structure.
 - 3. Corner and double frontage lots shall comply with the minimum front yard depths on both streets.

4. Ramps for wheelchair users are excluded from the setback requirements set forth herein.
- C. Clear View of Intersecting Streets. In all zones which require a front yard, no obstruction in excess of three (3) feet in height shall be placed on any lot within a triangular area formed by the street property lines or the projected point of intersection of the street property lines and a line connecting points twenty-five (25) feet from the intersection of the street property lines or the projected point.
- D. Yard Exceptions--Fences, Hedges, and Walls. In all districts except industrial, fences and walls may be constructed to a maximum height of six (6) feet in any required side or rear yard. A hedge or fence may be no more than three (3) feet in height in any required front yard. On corner lots, the fence shall be no higher than three (3) feet in the side yard unless such fence is at least fifteen (15) feet from the side street lot line. On double-frontage lots, any fence constructed within the setback line along the rear lot line shall not exceed three (3) feet in height unless it is at least fifteen (15) feet from the rear right-of-way line. Fences or walls required to surround and enclose public utility installations are not limited as to height in any district. A fence shall not be erected until a permit has been issued by the Director of Public Safety and Service. There shall be a Fifteen Dollar (\$15.00) fee for this permit. (Ord. E-03, Passed 3-17-03.)
- E. Yard Exceptions--One Story Garages, Swimming Pools or Other Accessory Buildings. In residential districts, one story detached garages or other accessory buildings may be located five (5) feet from side and rear property lines when located in back of the principal building, and must be located at least five (5) feet from the principal building.
- F. Accessory or Storage Building in a Residential District. In residential districts, any accessory or storage building larger than 45 square feet in size may not be erected until a zoning certificate has been issued by the Director of Public Safety and Service. There will be no fee for this permit.

The Director of Public Safety and Service may issue the permit only after it has been determined the building meets the following conditions:

1. the building does not exceed 20 feet in height;
2. the design of the building is harmonious and consistent with the general architecture of the neighborhood;
3. the building does not exceed 160 square feet;
4. setbacks as required in Section 1103.37(E) are met;
5. all accessory or storage buildings larger than 160 square feet must be placed on a foundation and must meet the requirements specified in Sections 1103.37(E) and 1103.37(F), Subsections (1) and (2).

- G. Sale, Lease, or Use of Required Yard Space. Space needed to meet the width, yard area coverage, parking, or other requirements of this Ordinance for a lot or building may not be sold, leased, or used from such a lot or building unless other space is available to comply with said requirements.

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

- H. Ramps for Wheelchair Users. Ramps for wheelchair users can abut sidewalks and do not have to meet the setback requirements set forth herein. (Ord. 48-96. Passed 9-3-96).
- I. Satellite Earth Stations are considered accessory uses subject to regulations as defined in Chapter 1123. Satellite earth stations in non-residential and multi-family developments shall be subject to site plan review with the Planning Commission, or the Safety-Service Director and the Design Review Board if in a Design Review District, as defined in Section 1103.27, in addition to regulations as defined in Chapter 1123. (Revised-Ord. G-05. Passed 4-4-05.)

1103.38 SIDEWALKS

In areas where sidewalks do not now exist along dedicated streets, the owner shall be required to construct the sidewalk prior to an occupancy permit being issued. If the lot is within a subdivision where a sidewalk bond has been posted as per Section 1161.11, then the sidewalks are not required until the time provided for in Section 1161.11. Industrial lots may be exempt from compliance with this provision with Planning Commission approval.

1103.39 ADULT FAMILY HOMES, FOSTER FAMILY HOMES, FAMILY HOMES

Adult family homes, as defined in ORC 3722 accommodating three to five adults, foster family homes, as defined in ORC 5123, providing room and board, personal care, habilitation services and supervision in a family setting for not more than five adults and family homes, as defined in ORC 5123, providing the same services as foster family homes for six to eight mentally retarded or developmentally disabled persons and other similar social services and institutional uses with eight or less occupants are hereby considered permitted uses in all residential districts. All such uses must comply with all area and height regulations of the respective residential district. All such uses should obtain license of approval from the State of Ohio as necessary. Such uses shall not include persons who would constitute a direct threat to the health or safety of others or who may cause substantial physical damage to the property of others or persons who use illegal substances. (Ord. 89-99, Passed 12-20-99.)

intentional blank page