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CHAPTER 1141
Classification of Uses

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CROSS REFERENCES

- Council may amend districting or zoning - see Ohio R.C. 713.10
- Use defined - see P. & Z. 1107.24
- Appeals from zoning decisions - see P. & Z. 1125.04
- Residential use provisions - see P. & Z. Ch. 1143
- Business use provisions - see P. & Z. Ch. 1145
- Use exceptions - see P. & Z. 1147.01
- Light manufacturing use provisions - see P. & Z. Ch. 1149

1141.01 USE CLASSIFICATIONS.

For the purpose of this Zoning Code the various uses of buildings and premises are divided into groups and classes as set forth in the classification of use sections. (Initiative Ord. Voted 11-8-60.)

1141.02 CLASS U-1 USES. (Single-family dwelling)

- (a) Single-family dwelling.
- (b) Farming, noncommercial greenhouses, nursery and truck gardening.
- (c) Public parks, water towers or reservoirs and telephone exchange.
(Initiative Ord. Voted 11-8-60.)

1141.03 CLASS U-3 USES. (Public building uses and special permit uses)

- (a) Public buildings, structures and grounds, including fire stations and post offices.
- (b) Public libraries, churches and public or parochial schools.
- (c) Public parks, water towers or reservoirs and telephone exchanges.
- (d) Cemeteries.
(Initiative Ord. Voted 11-8-60.)
- (e) Child day-care facilities, provided that the following requirements have been satisfied:
 - (1) The term "child day-care facility" means any place in which child day-care is provided, with or without compensation. "Child day-care facility" shall not include any program listed in Ohio R.C. 5104.02(B)(1) through (B)(5), (B)(6)(b), (B)(7) and (B)(8). The term "child day-care" has the same meaning as in Ohio R.C. 5104.01(A), including any terms used therein as defined in Ohio R.C. 5104.01.
 - (2) The child day-care facility shall occupy, and the use shall be limited to, that area of the premises for which the Building Commissioner has issued a certificate of inspection pursuant to the Building Code. The certificate of inspection shall not be issued prior to satisfaction of the following requirements:
 - A. The Building Commissioner, the Director of Health and the Chief of the Fire Prevention Bureau or their designees shall have inspected and approved the premises in accordance with applicable standards as set forth in Ohio R.C. 3781 and 3791 and regulations adopted thereunder and under Ohio R.C. 5104.05. Inspections shall be conducted annually by the Health Department and Fire Department and at such other times as may be appropriate.
 - B. Any outdoor play area shall be enclosed on all sides by a barrier in the form of a fence, building wall or other structure or landscaping so as to provide for safe outdoor play.
 - (3) The child day-care administrator, namely, the person responsible for the daily operation of the facility, shall be responsible for compliance with all applicable City ordinances and State and Federal statutes and regulations.
 - (4) The facility is not located in a Class U-1 or Class U-6A use district.
 - (5) A child day-care facility which does not satisfy these criteria is a prohibited use.
- (f) Any other similar building or use which, in the opinion of Council, would serve the public interest and welfare and would not adversely affect the use or enjoyment of neighboring property.
(Ord. 1989-43. Passed 2-13-90.)

1141.04 CLASS U-4 USES. (Retail business)

- (a) Grocery, meat, baked goods and dairy product stores.
- (b) Drug stores.
- (c) Restaurants and other eating places.
- (d) Wearing apparel, dry goods and shoe stores.
- (e) Hardware, including the usual merchandise therein.
- (f) Barber and beauty shops.
- (g) Banks, business and professional offices and studios.
- (h) Shop or custom work or the making of articles to be sold at retail on the premises.
- (i) Plumbing and heating stores.
- (j) Newsstands, books and stationery stores, and flower and variety shops.
- (k) Newspaper and job printing.
- (11) Theatres, assembly and dance halls, bowling alleys and skating rinks.
- (m) Automobile salesrooms and repair and storage garages.
- (n) Gasoline service stations, if permitted by the Planning Commission and Council.
- (o) Any other store, shop or service or use similar to those listed, as may be approved by the Planning Commission and Council.
(Initiative Ord. Voted 11-8-60.)

1141.041 CLASS U-4A USES. (Shopping mall)

Retail business and offices as regulated and provided in Chapter 1146.

(Ord. 1972-83. Passed 11-28-72.)

1141.05 CLASS U-5 USES. (Office building and research laboratory)

- (a) Professional, administrative, executive, sales and governmental office buildings.
- (b) Laboratories: basic and applied research for experimental or testing purposes, including research of production processes and such manufacturing and storage facilities as may be desirable for experimental or development work.
(Initiative Ord. Voted 11-8-60.)

1141.051 CLASS U-5 CAMPUS OFFICE BUILDING (COB) USES.

- (a) Professional, administrative, executive, sale and governmental office buildings.
(Ord. 2004-11. Passed 4-20-04.)

1141.06 CLASS U-5A USES. (Light manufacturing)

- (a) Uses permitted in U-5 District.
- (b) Business, professional, public utility and governmental offices.
- (c) Wholesale offices and showrooms with accessory storage of goods limited to those permitted in this Class U-5A District.
- (d) Storage and distribution establishments for finished or packaged goods limited to:
 - (1) Furniture, carpets, rugs and other household goods;
 - (2) Carpentry, electrical, masonry, plumbing, heating, ventilating, air conditioning, painting, ornamental iron, roofing and sheet metal products;
 - (3) Goods used in or produced by the manufacturing activities permitted in this Class U-5A District; and
 - (4) Local parcel delivery stations and packing and crating.

- (e) Bottling works for all beverages with preparation limited to the use of previously processed basic liquids or solids.
- (f) Manufacturing and assembly limited to the following processes and products:
 - (1) Clothing and other textile products, and leather goods from previously manufactured yarns and leathers; however, this shall not be interpreted to include the manufacture of hosiery, shoes and hat bodies.
 - (2) Cosmetics and toiletries and compounding of pharmaceutical products from previously processed chemicals and other products.
 - (3) Fabrication, extrusion, welding, finishing, polishing and assembly of small products limited to:
 - A. Jewelry, pins and needles, razor blades, bottle caps, buttons;
 - B. Cutlery and kitchen utensils;
 - C. Small electric appliances such as lighting fixtures, irons, toasters, fans and electric toys;
 - D. Cameras and other photographic equipment, watches, clocks, however, this shall not be interpreted to include the manufacture of photographic film;
 - E. Toys, sporting goods and athletic equipment such as balls, gloves, bats, racquets and rods;
 - F. Musical, medical and small engineering and scientific and measuring instruments;
 - G. Orthopedic and medical appliances;
 - H. Assembly of electrical equipment such as home radio, phonograph and television receivers and home movie equipment;
 - I. Electric and mechanical control and communication devices and equipment; and
 - J. Electrical supplies such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.
 - (4) Wooden furniture manufacture.
 - (5) Printing, publishing and engraving.
 - (6) Novelty products from previously prepared materials.
 - (7) Dry and natural ice. (Ord. 1965-17. Passed 7-13-65.)

1141.07 CLASS U-6 USES. (Commercial or industrial)

- (a) Bakeries, bottling works, ice and ice cream manufacturers and cold storage plants.
- (b) Warehouses for storage of household goods and building materials and equipment.
- (c) Coal, ice and wood sales.
- (d) Laundry, carpet cleaning, dry cleaning and dyeing.
- (e) Repair shop for motor vehicles.
- (f) Wholesale produce market and salesroom.
- (g) Storage of refined petroleum products.
- (h) Any other commercial, manufacturing or industrial building or use which shall not be injurious to the adjacent premises or occupants thereof; which shall not constitute or threaten to become a public nuisance by reason of noise, smoke, vibration, odor, possibility of explosions, glaring lights, radio or television

interference, pollution of ground or surface waters, accumulation of obnoxious or undesirable wastes of inherent nature; which shall not tend to create safety or traffic hazards, which may be approved by the Planning Commission and Council; and which shall not be forbidden or prohibited by any provision of this Zoning Code or any other ordinance of the Municipality.

- (i) Accessory uses customarily incident to an authorized use.
(Ord. 1970-3. Passed 3-3-70.)

1141.071 CLASS U-6A USES. (Motel, hotel, restaurant and automotive service station use district)

- (a) Motels, hotels and motor courts as provided in Section 1145.03.
- (b) Automobile service stations as provided in Section 1145.03.
- (c) Restaurants as provided in Section 1145.03.
- (d) Accessory uses as provided in Section 1145.03 and other similar use as may be approved by the Planning Commission and Council.
(Ord. 1970-3. Passed 3-3-70.)

1141.08 CLASS U-7 USES. (Prohibited)

Use of any land or building in the Municipality for any of the following purposes is specifically prohibited:

- (a) Manufacturing or industrial operation of any kind other than as permitted by Class U-6;
- (b) Veterinary hospital other than for small animals;
- (c) Incineration of garbage, refuse, rubbish, offal or dead animals brought into the Municipality from outside the Municipality;
- (d) Reduction of garbage, refuse, offal or dead animals;
- (e) Dumping or burying garbage or refuse brought from outside the Municipality;
- (f) Refuse or rubbish dump other than operated by the Municipality;
- (g) Stockyards and slaughtering of animals;
- (h) Animal feeding of garbage brought in from outside the Municipality unless permitted by Council;
- (i) Tanneries and oil refineries;
- (j) Explosives and fireworks which are manufactured or stored;
- (k) Cement, lime, gypsum or plaster of Paris manufacture;
- (l) Chlorine or hydrochloric, nitric or picric acid manufacture;
- (m) Smelting, melting or reduction of any metals or ores;
- (n) Distillation of bones, fat rendering, glue and fertilizer manufacturing or compounding;
- (o) Storage of volatile oils or gasoline in excess of 25,000 gallons except when specially permitted by Council;
- (p) Penal or correctional institution or an institution for the insane or feeble minded;
- (q) Crematories except when owned and operated by the Municipality;
- (r) Amusement parks except when permitted by Council;
- (s) Motor freight depot;
- (t) Placing or maintenance of tents, camp cars, trailers intended for sheltering of persons or animals, dining cars or other similar facilities;

- (u) Hotel or trailer camp;
 - (v) Gas producing plant not operated by the Municipality;
 - (w) Used car lots or the sale of used motor vehicles, except in connection with the operation of a new car sales agency; and
 - (x) Any other use which, in the determination of Council, is injurious, obnoxious, offensive, inimical to health or a nuisance.
- (Ord. 1960-42. Passed 1-24-61.)

1141.09 HEARINGS BY PLANNING COMMISSION; COUNCIL.

Where approval of the Planning Commission or Council is required by this section for the location of a designated or undesignated use or structure within any use district, an application for such approval shall first be submitted to the Planning Commission.

After public notice and hearing, the Planning Commission shall determine whether such use or structure shall be approved. In making such determination, findings of fact shall be made and entered in the minutes of the Commission as to the effect of such use or structure on neighboring property, the possible creation of public nuisances by reason of noise, smoke, wastes, odor, vibrations, lights, stream or ground pollution, traffic and safety hazards or otherwise, and as to the effect of such proposed use or structure on the public peace, health, safety, morals and welfare.

If Council's approval is also required for such use or structure, the determination and findings of fact of the Planning Commission shall be submitted to and reviewed by Council, which may also make such investigations, require such supporting data and make such findings as it may deem necessary. Council may thereupon affirm or deny the application and shall enter its determination in its minutes.

If any State or Federal court shall find that the prohibition of any use listed in this chapter as a Class U-7 or prohibited use is invalid, illegal or unreasonable, then the location of such use in any particular use district and at any designated site must first be approved by the Planning Commission and Council and the procedure set forth in this section shall be followed. (Initiative Ord. Voted 11-8-60.)

1141.10 SPECIAL PERMITS FOR U-3 USE.

A permit for the location of a Class U-3 use in any use district may be given by the Inspector of Buildings by and with the consent of Council when such location will substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of neighboring property.
(Initiative Ord. Voted. 11-8-60.)