

**CODIFIED ORDINANCES OF PORTSMOUTH
PART ELEVEN - PLANNING AND ZONING CODE**

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EDITOR'S NOTE: Ordinance 1965-37, passed March 22, 1965, adopts the Comprehensive Development Plan for the City. This Plan, prepared by the City's planning consultants, consists of a Summary Development Plan and seven Planning Reports.

CHAPTER 1101 - General Provisions

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CROSS REFERENCES

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Approval of plats - see CHTR. Sec. [118](#); Ohio R.C. 711.09
Effect of platting - see CHTR. Sec. [121](#)
Plat and subdivision defined - see Ohio R.C. 711.001

1101.01 - DEFINITIONS

For the purposes of these Subdivision Regulations, the following words and phrases shall have the meanings ascribed to them as follows:

- (1) Words used in the present tense include the future, and the singular number includes the plural and the plural the singular. The word "lot" includes the word "plot". The word "shall" is mandatory and not directive.
- (2) "Subdivision" means any division, change, resubdivision or division lines of a lot, plot, parcel, tract or land or groups of lots, parcels, tracts or lands into two or more lots or other divisions of land, for the purpose, whether immediate or future, of lease, sale or transfer of ownership or development, including the creation of, and all changes in, street or lot lines, whether by a survey and preparation of a plat or by lease or transfer by metes and bounds. However, division of land for agricultural purposes, in parcels of more than ten acres, not involving any new street or easement of access, shall be exempted. This shall not apply to the sale of a small amount of land to correct the boundary of a lot if such sale or exchange does not create additional lots. For the purposes of these Subdivision Regulations, the development of land and construction of two or more residences or other buildings (besides agricultural and accessory buildings) shall constitute a subdivision.
- (3) "Planning Commission" means the City Planning Commission.
- (4) "Official Map of Thoroughfares" means the Official Map of thoroughfares, streets and public lands of the City adopted as a part of these Subdivision Regulations and as hereafter amended as provided in these Subdivision Regulations.
- (5) "Regional Thoroughfare Plan" means the system of primary and secondary thoroughfares and ways as adopted in these Subdivision Regulations or as hereafter adopted by the Planning Commission and/or the appropriate authorities of Scioto County, including both existing and proposed thoroughfares.
- (6) "Master Plan" means the comprehensive plan, made and adopted by the Planning Commission, indicating the general location recommended for the principal streets, parks, public buildings, zoning districts and all other physical aspects of urban and rural planning.

(7) "Alley" means a public way less than twenty-five feet wide, dedicated, platted and recorded (or to be dedicated, platted and recorded) with the recording of the final plan of a subdivision and commonly used as a right of way for travel and for services.

(8) "Auction" means either to sell by inviting or calling for bids or offers of prices for lots, parcels, tracts or lands; or the act of auctioning.

(9) "Convey" means to make a conveyance.

(10) "Conveyance" means the act of making a transfer by conveyance of right title, interest and/or ownership.

(11) "Development" means either the subdivision of land; any work that must be performed, such as improvements prerequisite to approval of the final plat; or any construction upon land.

(12) "Crosswalkway" means a right of way dedicated to public use, ten feet or more in width, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

(13) "Cul-de-sac" (court) means a short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

(14) "Divide" means to make a division of.

(15) "Division" means subdivision.

(16) "Easement" means a right of way less than twenty-five feet wide, which has been platted or obtained for the provision of services, access to property and/or a public passageway for travel.

(17) "Final plat" means the final plan of a subdivision. See subsection (39) hereof.

(18) "Improvement" refers to street grading, street pavements or surfaces, curbs, gutters, sidewalks, storm sewers, culverts, sanitary sewers, water mains, crosswalk ways, street trees (optional) and other appropriate items.

(19) "Land" means a tract or group of tracts.

(20) "Lease" means to rent, to permit the possession or use of, or to permit the right of possession or use for consideration of, a lot, parcel, tract, land or group of lots, parcels, tracts or lands.

(21) "Lot" means a portion of a subdivision or other parcel of land intended as a unit of transfer of ownership or for development. Such lot may or may not be a part of a recorded subdivision.

(22) "Parcel" means an ownership, lot, plot or part of an ownership, lot or plot.

(23) "Plot" means a lot or parcel.

(24) "Partition" means either a division, separation or subdivision or the act of making a division, separation or subdivision.

(25) "Person" means any individual, group of persons, association, firm, corporation, developer or any proprietor of lots or grounds.

(26) "Right of way" means the width between property lines of a street, parkway, alley, crossway or easement.

(27) "Street" means a right of way, dedicated to public use, which provides vehicular and pedestrian access to adjacent properties other than primary or secondary streets.

(28) "Minor street" means a street supplementary to a secondary street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

(29) "Primary street" means a street or section line road being eighty-four feet or more in width and of considerable continuity which serves or is intended to serve as a major traffic way within the City, County, or both, and is designated in the Master Plan as a limited-access

highway, major thoroughfare, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

(30) "Major thoroughfare" means a primary street or a street or road that serves or is intended to serve as a major traffic way.

(31) "Main thoroughfare" means a major thoroughfare.

(32) "Secondary Street" means a street or quarter section line road being eighty feet or more in width and of considerable continuity which serves or is intended to serve as the principal traffic way between large and separated areas or districts and which is the main means of access to the Primary Street or road system.

(33) "Secondary thoroughfare" means a secondary street.

(34) "Parkway" means a motorway of considerable continuity having a right of way of varying width, the adjacent land being predominately dedicated to park purposes, thus excluding access to and from abutting property.

(35) "Reserves" means a strip of land controlling access to streets.

(36) "Double frontage" refers to a lot the opposite ends of which abut on a street.

(37) "Superblock" means a block of exceptionally large size in both dimensions, with access to interior lots by cul-de-sacs branching in from surrounding streets and providing one or more open spaces.

(38) "Preliminary plan" means a preliminary drawing or sketch of a proposed subdivision, showing the location and boundaries of a tract, or group of parcels of land, together with the general location of streets, alleys, easements, lots, public grounds, north point grades or contours and drainage, as well as the names of the subdivisions of the streets and of adjacent properties.

(39) "Final plan" means an accurate drawing (to scale as indicated on the drawing) of a subdivision, showing the location and boundaries of the tract or group of parcels of land together with the location and description of lots, streets, alleys, easements, public grounds, grades or contours, drainage, north point and other required information and submitted to the City Planning Commission upon the completion of the acts required by Sections [1109.05](#) and [1109.06](#).

(40) "Plat" means a final plan. See subsections (17) and (39).

(41) "Plot" means a lot.

(42) "Resub-divide" means to make re-subdivision of.

(43) "Resub-division" means rearrangement and subdivision of a tract comprising a group of lots, parcels, streets and/or alleys, or any combination of lots, parcels, streets and/or alleys.

(44) "Sale" means the act of selling.

(45) "Sell" means either to make a conveyance for consideration or for a price; to execute a deed of sale; to execute a "sales contract".

(46) "Separate" means to make separation of.

(47) "Separation" means the partitioning or division of a lot, parcel, tract, land or subdivision thereof, into two or more parcels of land.

(48) "Subdivide" means to make any subdivision. See subsection (2).

(49) "Tract" means an ownership, lot, plot or group of ownerships or lots.

(50) "Transfer" means either to sell or lease by the process of subdivision or the act of making such a sale or lease.

(51) "Develop" means either to make a development; to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water; or to do any work upon land that is capable of future use as a subdivision or development or building site. See subsection (11).

(52) "Subdivision Regulations" means Ordinance 1966-45, passed May 12, 1966, as amended, which is codified herein as Title One of Part Eleven - Planning and Zoning Code. (Ord. 1966-45. Passed 5-12-66.)

1101.02 - COMPLIANCE REQUIRED

No person shall subdivide, re-subdivide, auction, separate, transfer, lease, sell, grade, fill or otherwise divide or develop any land located within the City except in full compliance with all the provisions of these Subdivision Regulations, nor shall the plat of any addition or subdivision of any land located within the City or within unincorporated territory outside of but within three miles of the corporate limits of the City be approved by the Planning Commission or by Council unless the same is prepared in full compliance with the provisions of these Subdivision Regulations. (Ord. 1966-45. Passed 5-12-66.)

1101.03 - SEVERABILITY

If any section, clause, phrase, word, provision or portion of these Subdivision Regulations is held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect any other section, clause, phrase, word, provision or portion of these Subdivision Regulations. (Ord 1966-45. Passed 5-12-66.)

1101.04 - CONFLICT OF LAWS

Wherever the provisions of any other statute, ordinance, regulation, rule or requirement impose higher standards, such provisions shall govern. Otherwise, all ordinances or parts of ordinances inconsistent with these Subdivision Regulations are hereby repealed. (Ord. 1966-45. Passed 5-12-66.)

CHAPTER 1103 - Administration, Enforcement and Penalty

[1103.01](#) Building Officer; duties and responsibilities.

[1103.02](#) Notices.

[1103.03](#) Stopping work.

[1103.04](#) Building permit.

[1103.05](#) Utilities and services.

[1103.06](#) Variances and modifications.

[1103.07](#) Selling unrecorded lots, parcels and tracts.

[1103.08](#) Cornerstones; surveying and platting method.

[1103.09](#) Disposing of land in violation of regulations.

[1103.99](#) Penalty.

CROSS REFERENCES

Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14; P. & Z. [1113.12](#)

Violations of platting rules and regulations - see Ohio R.C. 711.102

Unlawful transfer of lots - see Ohio R.C. 711.13, 711.15

Building permits and fees - see BLDG. Ch. [1305](#)

1103.01 - BUILDING OFFICER; DUTIES AND RESPONSIBILITIES.

It shall be the duty of the Building Officer of the City, or any other appropriate official to enforce these Subdivision Regulations in all areas within the subdivision jurisdiction of the City Planning Commission. (Ord. 1966-45. Passed 5-12-66.)

1103.02 - NOTICES.

(a) Wherever the Building Officer is satisfied that any work is being done or any transactions are being made in violation of these Subdivision Regulations, or in violation of a detailed statement or plan submitted and approved thereunder, such Building Officer may serve a written notice or order upon the person responsible therefor, directing discontinuance of such illegal action and the remedying of the condition that is in violation of the provisions and requirements of these Subdivision Regulations.

(b) In case such notice or order is not promptly complied with, the Building Officer shall notify the City Engineer, the City Public Utility's Director and all utility companies of such violation and shall request the same to stop all services to the property where such violation is being perpetrated and to refuse such services until these Subdivision Regulations are complied with. The Building Officer, in such case, may also request the City Solicitor to institute the appropriate action or proceeding at law or in equity to restrain, correct, remove or prosecute such violation. (Ord. 1966-45. Passed 5-12-66.)

1103.03 - STOPPING WORK

Wherever, in the opinion of the Building Officer, by reason of illegal work, operations or any illegal condition in violation of the provisions of these Subdivision Regulations, the continuance of such illegal work, operations or condition is contrary to public welfare, the Building Officer may order, either orally or in writing, all further work or operations to be stopped, or such condition to be corrected, and may require suspension of all work and operations until such violation or condition has been remedied. (Ord. 1966-45. Passed 5-12-66.)

1103.04 - BUILDING PERMIT

No building permit shall be issued for the construction of any building located, or intended to be located, on a lot or plat subdivided or sold in violation of these Subdivision Regulations.

(Ord. 1966-45. Passed 5-12-66.)

1103.05 - UTILITIES AND SERVICES

No public or private utilities, no street pavement or improvement and no municipal services shall be extended to any lot, parcel or tract of any land divided, subdivided, re-subdivided, auctioned, sold, separated or otherwise divided, graded, filled or developed, in violation of the provisions of these Subdivision Regulations, nor shall any permit be issued therefor.

(Ord. 1966-45. Passed 5-12-66.)

1103.06 - VARIANCES AND MODIFICATIONS

Wherever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these Subdivision Regulations would result in real difficulties and substantial hardships or injustices, the Planning Commission may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but such that at the same time, the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of these Subdivision Regulations are preserved.

(Ord. 1966-45. Passed 5-12-66.)

1103.07 - SELLING UNRECORDED LOTS, PARCELS AND TRACTS

No person, being the owner or agent of the owner of any land, within or without the City, shall transfer any lot, parcel or tract of such land from or in accordance with a plat or map of the subdivision or allotment of all or any part of such land upon which plat or map certain areas are indicated as for use of the public for streets or other public grounds, before such plat or map has been recorded in the office of the County Recorder of Scioto County.

(Ord. 1966-45. Passed 5-12-66.)

1103.08 - CORNERSTONES; SURVEYING AND PLATTING METHOD

No person shall lay out a subdivision or addition and neglect to plant the cornerstones therein, or cause it to be surveyed or platted in any other manner than that prescribed in this chapter.

(Ord. 1966-45. Passed 5-12-66.)

1103.09 - DISPOSING OF LAND IN VIOLATION OF REGULATIONS

No person shall dispose of, offer for sale, or lease any lot, parcel or tract in violation of any of the provisions of these Subdivision Regulations or before the requirements of these Subdivision Regulations have been complied with.

(Ord. 1966-45. Passed 5-12-66.)

1103.99 - PENALTY

(a) Whoever violates any of the provisions of these Subdivision Regulations by doing or causing to be done any of the things prohibited herein, or by failing or refusing to do any of the things herein required to be done, or otherwise violates, disobeys, omits, neglects or refuses to

comply with any of the provisions of these Subdivision Regulations shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. Each day such violation or failure to comply with the provisions of these Subdivision Regulations exists after notification thereof shall constitute a separate offense, and each and every violation shall constitute a separate offense.

(b) Whoever violates Section [1103.07](#) shall forfeit and pay fifty dollars (\$50.00) for each lot, parcel or tract so sold, and the description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeit herein provided. Where such violation concerns land situated within the City, the prosecution shall be conducted by the City Solicitor.

(c) Whoever violates Section [1103.08](#) shall forfeit and pay one hundred dollars (\$100.00) and costs of suit, to be recovered in a civil action by the appropriate prosecuting official in the name of the City and for the use of the General Fund of the City.

(d) Whoever violates Section [1103.09](#) shall forfeit and pay twenty-five dollars (\$25.00) for each parcel or lot so sold, offered for sale or leased, to be recovered with costs in a civil action by the appropriate prosecuting official in the name of the City and for the use of the General Fund of the City. (Ord. 1966-45. Passed 5-12-66.)

CHAPTER 1105 - Thoroughfare Plans

[1105.01](#) Adoption of plans.

[1105.02](#) Amendments and supplements to plans.

CROSS REFERENCES

Official plan of streets - see CHTR. Sec. [119](#)

Thoroughfare and Master Plans defined - see P.& Z. [1101.01](#)(5), (6)

1105.01 - ADOPTION OF PLANS

(a) The map entitled "Official Map of Thoroughfares, Streets and Public Lands - City of Portsmouth, Ohio - File B-2-81" is hereby adopted and made a part of these Subdivision Regulations and is placed on file, for public examination, in the office of the City Engineer.

(b) The Portsmouth Regional Thoroughfare Plan of thoroughfares in unincorporated territory outside the corporate limits of the City and within three miles thereof is hereby adopted and made a part of these Subdivision Regulations and is placed on file, for public examination, in the office of the City Engineer.

(c) No plat shall be made and no land shall be subdivided, separated, transferred, leased or sold except in compliance with the two above plans.

(Ord. 1966-45. Passed 5-12-66.)

1105.02 - AMENDMENTS AND SUPPLEMENTS TO PLANS

Amendments and supplements of streets and roads, both existing and proposed, may be made by resolution of the Planning Commission after holding a public hearing.

(Ord. 1966-45. Passed 5-12-66.)

CHAPTER 1107 - Procedure for Subdividing Land

1107.01 Procedure.

CROSS REFERENCES

Compliance required - see P. & Z. [1101.02](#), [1105.01\(c\)](#)

Preliminary and final plans - see P. & Z. Ch. [1109](#)

Prerequisites to final plan approved - see P. & Z. Ch. [1113](#)

1107.01 - PROCEDURE

Every person intending to subdivide or develop land shall do so in accordance with the following procedure in the order herein indicated:

(a) Submit two prints of a preliminary plan of the proposed subdivision or development (as described and required in these Subdivision Regulations), together with construction plans for the streets and improvements and one key map. The sub-divider or his agent may previously discuss this proposal with the Planning Commission, or its representative, in order to eliminate features which do not conform to these Subdivision Regulations. However, the prints shall be officially filed with a representative of the Planning Commission at least ten days prior to the regular meeting of such Commission. The Commission will act on the plan within approximately thirty days after the date of filing.

(b) Obtain tentative approval from the Planning Commission of the preliminary plan of the subdivision and approval of the construction plans for the streets and improvements. The Planning Commission is hereby authorized to approve, disapprove or make revisions in the preliminary plan and in the construction plans. Tentative approval of the preliminary plan shall not be construed as acceptance of the subdivision.

(c) Construct and install the improvements in accordance with the construction plans as approved by the Planning Commission, or in lieu thereof, enter into a contract with the City, together with a bond in a sufficient amount and with sufficient sureties guaranteeing the completion, without cost to the City, of all the improvements in accordance with the construction plans. The sub-divider shall be financially responsible for the construction of all of such improvements, and such improvements shall be completed, or such contract and bond as herein provided shall be executed and approved by the City, before the final plan of such subdivision is submitted to the Planning Commission for its approval.

(d) Submit the final plan of the subdivision or development to the Planning Commission and obtain its approval and, if the subdivision or development is within the corporate limits of the City, also obtain the acceptance and approval of such plan by Council.

(e) Have the final plan, as approved by the Planning Commission, and by Council where necessary, recorded in the Office of the County Recorder of Scioto County, Ohio, not later than twelve months from the date of tentative approval. (Ord. 1966-45. Passed 5-12-66.)

CHAPTER 1109 - Preliminary and Final Plans

[1109.01](#) Preparation and submission of preliminary plan.

[1109.02](#) Contents of preliminary plan.

[1109.03](#) Action on preliminary plan.

[1109.04](#) Compliance.

[1109.05](#) Preparation and submission of final plan.

[1109.06](#) Contents of final plan.

CROSS REFERENCES

Final plan and plat defined - see P. & Z. [1101.01](#)(17), (39)

Preliminary plan defined - see P. & Z. [1101.01](#)(38)

Approval of preliminary plan - see P. & Z. [1107.01](#)(a), (b)

Approval of final plan - see P. & Z. [1107.01](#)(d), (e)

Charges for plan review - see P. & Z. [1115.03](#)

1109.01 - PREPARATION AND SUBMISSION OF PRELIMINARY PLAN

Every person intending to subdivide land within the corporate limits of the City, or in the unincorporated territory not more than three miles beyond the corporate limits, shall first submit to the Planning Commission a preliminary plan before preparing and submitting a final plan of such subdivision. No person shall subdivide, auction, separate, transfer, lease, sell, grade, fill, develop or otherwise divide land unless and until such person has submitted to the Planning Commission a preliminary plan and complied with other requirements of these Subdivision Regulations. The preliminary plan shall be submitted in compliance with the following provisions. (Ord. 1966-45. Passed 5-12-66.)

1109.03 - ACTION ON PRELIMINARY PLAN

The City Planning Commission is hereby authorized to approve tentatively the preliminary plan or to disapprove such plan or to recommend modifications in the plan, which modifications shall be binding upon the owner or developer. (Ord. 1966-45. Passed 5-12-66.)

1109.04 - COMPLIANCE

The preliminary plan shall comply with:

- (a) All requirements of Chapter [1111](#) - Minimum Standards.
- (b) The Official Map of Thoroughfares.
- (c) The Regional Thoroughfare Plan.
- (d) The Master Plan.
- (e) Any other conditions or requirements of the Planning Commission.

(Ord. 1966-45. Passed 5-12-66.)

1109.05 - PREPARATION AND SUBMISSION OF FINAL PLAN

All subdivision shall be made in compliance with the following requirements:

- (a) After approval of the preliminary plan by the Planning Commission and the fulfillment of the requirements of these Subdivision Regulations and any other requirements specified by the Planning Commission, then one tracing of the final plan of the subdivision, on tracing cloth or

negative, with a maximum size of twenty-four inches by thirty inches and a minimum size of sixteen inches by twenty-two inches shall be submitted to the secretary of the Planning Commission for approval.

(b) Action must be taken by the Commission within thirty days after submission of the plan.

(c) Upon approval of the Planning Commission, the developer shall record the plan with the County Recorder within three months. If not recorded within this time, the approval of the Planning Commission shall be null and void.

(d) Any tract within the definition of the word subdivision shall be deemed a subdivision.

(Ord. 1966-45. Passed 5-12-66.)

1109.06 - CONTENTS OF FINAL PLAN

The final plan shall contain the following information:

(a) Identification.

(1) The name of the subdivision.

(2) The location of the subdivision by township, section, town, range or by other legal description.

(3) The names of the owners, the surveyor and the site planner.

(4) A graphical scale, being no less than one inch equals 100 feet.

(5) The date.

(6) The north point.

(b) Delineation.

(1) The boundary lines of the proposed subdivision, based on an accurate traverse, with angular and lineal dimensions.

(2) The exact location, width and name of all streets within and adjoining the subdivision and the exact location and widths of all alleys and crosswalkways. The name of a street shall not duplicate that of any existing street in the Portsmouth Region, that is to say within the jurisdiction of the Planning Commission, i.e. three miles beyond the corporate limits, except a possible future connection of a street of the same name. Proposed street names shall be checked with the proper City and County officials.

(3) True angles and distances to the nearest established street lines or official monuments (not less than three) which shall be accurately described on the plan.

(4) Municipal, Township, County or section lines accurately tied to the lines of the subdivision by distances and angles.

(5) Radii, internal angles, points of curvature, tangent bearings and lengths of all chord dimensions.

(6) All easements or rights of way provided for public services or utilities.

(7) All lot numbers and lines, with accurate dimensions in feet and hundredths.

(8) Accurate location of all monuments. See Section [1113.12](#).

(9) Accurate outlines and a legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereupon, and of any area to be reserved by deed covenant for the common use of all property owners.

(10) Building setback lines accurately shown with dimensions.

(c) Attendant Items.

(1) A certification by a registered surveyor to the effect that the plan represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.

(2) A notarized certification, by the owner or owners, of the adoption of the plan and the dedication of streets and other public areas.

(3) A proper form for the approval of the Planning Commission and with space for signature.

(4) The signature of the mortgage holder with his certificate of consent.

(5) A certificate of the proper Municipal authorities and County authorities concerned with the specifications and inspection of utilities installation and improvements.

(6) Restricting covenants, if made a part of the deeds of sale of the lots, shall be shown on the face of the subdivision plan and so recorded. (Ord. 1966-45. Passed 5-12-66.)

CHAPTER 1111 - Minimum Standards

- [1111.01](#) Compliance required.
- [1111.02](#) Streets and other access ways.
- [1111.03](#) Dimensional standards.
- [1111.04](#) Minimum alignment standards.
- [1111.05](#) Intersections.
- [1111.06](#) Blocks.
- [1111.07](#) Residential lots.
- [1111.08](#) Public open spaces and sites.
- [1111.09](#) Accuracy.

CROSS REFERENCES

Inspection and acceptance of streets - see Ohio R.C. 711.08, 711.091

Variances and modifications - see P. & Z. [1103.06](#)

1111.01 - COMPLIANCE REQUIRED

All subdivisions and all divisions of land shall be made in compliance with the following minimum standards and design requirements, in addition to the improvements set forth in Chapter [1113](#). (Ord. 1966-45. Passed 5-12-66.)

1111.02 - STREETS AND OTHER ACCESS WAYS.

Streets and other access ways shall:

(a) Comply with the Official Map of Thoroughfares and with the Regional Thoroughfare Plan hereafter adopted by the Planning Commission.

(b) Comply with any tentative neighborhood plan prepared by the Planning Commission, if any, for the area where the subdivision is located.

(c) Give adequate recognition to existing topography.

(d) Provide that proposed streets continue and complete existing streets (constructed or recorded) at equal or greater width and in similar alignment, except for variations recommended by the Planning Commission.

(e) Include a minor street approximately parallel to the main thoroughfare, wherever desirable. By-passes should be provided around major intersections.

(f) Provide access to adjoining un-subdivided land as specified by the Planning Commission.

(g) Be planned to discourage use of minor streets by nonlocal traffic.

(h) Be planned, if only part of the tract is to be subdivided, and that part which is not to be subdivided shall be sketched.

(i) Intersect as nearly at right angles as possible.

(j) Be planned, where a new subdivision involves frontage on a heavy traffic way (particularly Federal and State routes or parkways), to provide motor access to such frontage by one of the following means:

(1) A parallel street (supplying frontage for lots backing on to the traffic way).

(2) A series of cul-de-sacs or short loops entered from such a parallel street with their terminal lots backing on to the highway.

(3) An access drive separated by planting a strip from the highway to which motor access from the drive is provided at points suitably spaced.

(4) A service drive or alley at the rear of lots. Where such is provided, deed covenants or other protective measures should prevent private residential driveways from having direct access to the highway.

(k) Be planned, where a railroad is involved, so as to:

(1) Provide for future grade separation.

(2) Boarder the railroad with a parallel street at sufficient distance either to permit deep lots to back on to the railroad or to form a buffer strip for part business or industrial use.

(3) Provide cul-de-sacs at right angles to the railroad to permit deep lots to back thereto.

(l) Be planned so as not to have cul-de-sacs longer than 600 feet unless topography necessitates greater length.

(m) Be planned so as not to have the following conditions:

(1) Alleys in residential districts (except where needed by special conditions).

(2) Dead-end alleys.

(3) Reserves.

(n) Be planned with easements for utilities alongside and rear lot lines where needed.

(o) Provide an easement along natural drainage courses of adequate width for maintenance.

(p) Not encroach upon areas planned as other future public facilities, as shown on the Master Plan. (Ord. 1966-45. Passed 5-12-66.)

1111.03 - DIMENSIONAL STANDARDS

(a) Right of Way Widths, Grades, Radii.

	Grades Width (feet)	Minimum		Minimum Curve Radii Feet
		Max.	Min.	
(1) Primary thoroughfares, major thoroughfares, State highways, parkways	84*	6%	0.5%***	300
(2) Secondary thoroughfares	74*	6%	0.5%***	200
(3) Minor streets	50-60**	12%	0.5%***	100
(4) Alleys paralleling thoroughfares and in business districts -	20	8%	0.5%***	
(5) Other alleys	16	10%	0.5%	
(6) Crosswalk ways	10	10%	0.5%	
(7) Easements (on each side of property line)	5			

* Except in cases where an approved major street section of the Regional Thoroughfare Plan or of the Official Map of Thoroughfares specifies a greater or lesser width.

** The fifty feet minimum will be acceptable only for cul-de-sacs, loop streets and those short side streets which have no property frontage.

*** At the gutter.

(b) Cul-de-sacs (Courts).

(1) The maximum length of cul-de-sacs shall be 600 feet.

(2) The terminal of a cul-de-sac shall be a circular area with a minimum diameter of 100 feet (right of way).

(c) Minimum Pavement Widths.

	Feet
(1) Primary streets, main thoroughfares, State highways -	50*
(2) Secondary thoroughfares	40*
(3) Minor streets abutting property on both sides, which is restricted by deeds or zoning to not over two families per residence -	26**
(4) Other minor streets -	32**
(5) Cul-de-sacs shall have a turnaround pavement with inside radius -	14
with outside radius -	40

* Except in cases where the approved major street section of the Regional Thoroughfare Plan or of the Official Map of Thoroughfares or of the State Highway Department specifies a greater or lesser width. The owner is not required to provide more than the cost of a minor street pavement as specified in subsections (c)(3) and (4) hereof.

** The Planning Commission may permit a pavement of not less than twenty feet in width for minor streets and roads where the subdivision or area is located outside the corporate limits and where conditions A. and B. exist, and inside the corporate limits where condition C. exists:

A. The tract is not abutting and is not within one and one-half miles from any State highway, and

B. The tract does not have and is not within one mile from any area now having municipal water, sewer or waste collection service.

C. The topography is such that it would not be feasible from an engineering standpoint to build a street of wider width. In such instances parking would be prohibited on both sides of the street and a note indicating that no parking shall be permitted shall be placed on the recorded subdivision plat. The subdivision that falls within this determination shall meet all other requirements of these Regulations including right of way, vertical grade and dimensions of cul-de-sacs. A guard rail shall be required where the incline of the slope exceeds 3:1 and where the height of the embankment is three feet or greater. (Ord. 1970-119. Passed 12-30-70.)

1111.04 - MINIMUM ALIGNMENT STANDARDS

(a) Vertical.

(1) For primary and major thoroughfares, State highways and parkways, profile grades shall be connected by vertical curves of a minimum length (projected horizontally) equivalent to fifteen times the algebraic difference between the rates of grade, expressed in feet per hundred. State highways shall comply with any stricter requirements of the State Department of Transportation.

(2) For minor streets and alleys, one-half the minimum of subsection (a)(1) hereof. Any increase between two rates of grade in this section shall not exceed two percent (2%) if avoidable.

(b) Horizontal. See Section [1111.03](#)(a). (Ord. 1966-45. Passed 5-12-66.)

1111.05 - INTERSECTIONS

(a) Streets shall intersect as nearly at right angles as possible.

(b) Adequate corner clearance shall be provided, and no fence or shrubbery over three feet high shall be located so as to cause a traffic hazard.

(c) Property line corners shall be rounded with a curve (or cut with a straight line) on an arc approximately concentric with the radius of the curb or edge of the pavement, the minimum radius of which shall be ten feet on major and secondary thoroughfares and in business districts.

(d) Street curbs or edges of street pavements shall be rounded by radii of at least twenty feet.

(e) The minimum radii in subsections (c) and (d) hereof shall be increased when the smallest angle is less than sixty degrees, or in any case where the Planning Commission considers it necessary.

(f) Reverse curves in a curb line or edge of a street pavement shall be separated by a tangent of suitable length.

(g) Jogs shall not be made at intersections. (Ord. 1966-45. Passed 5-12-66.)

1111.06 - BLOCKS

(a) The maximum length of blocks shall be 1,300 feet.

(b) Blocks over 900 feet long shall have a crosswalkway approximately at center.

(c) The width of blocks shall be sufficient to allow normally, two tiers of lots of approximately equal depth.

(d) Irregular shaped blocks (including superblocks) indented by cul-de-sacs and containing parks and playgrounds, may, if properly designed, be adequately provided with parks, playgrounds and parking space and with agreements as to the maintenance of public areas.

(e) The long dimension of a block shall front on a major thoroughfare (to minimize intersections).

(f) Business and industrial blocks shall be designed for their prospective use.
(Ord. 1966-45. Passed 5-12-66.)

1111.07 - RESIDENTIAL LOTS

(a) The size, shape and orientation of residential lots shall be appropriate to the location of the proposed subdivision and to the types of development contemplated, and in conformity with the Zoning Code.

(b) Excessive depth in relation to width shall be avoided. A ratio of three and one-half to one shall normally be considered as a desirable maximum for widths of sixty feet and over.

(c) If topography permits, lots fronting on main traffic ways should have extra depth and deep setbacks.

(d) Every lot shall abut on a street or other public right of way.

(e) Double frontage lots shall be avoided.

(f) Side lines of lots shall be approximately at right angles or radial to the street line, unless, in the opinion of the Planning Commission, a variation from this rule will give a better street and lot plan. On curved streets, the lot line shall be radial to the curve whenever possible.

(g) Corner lots shall have extra width sufficient to permit maintenance of building lines on both front and side.

(h) Where irregularity of ownership or street lines inevitably produces small remnant lots, such areas shall be added to adjoining lots or left unplatted and marked to be left in that status until such time as arrangements may be made with the adjoining property owners for the proper platting of such places. (Ord. 1966-45. Passed 5-12-66.)

1111.08 - PUBLIC OPEN SPACES AND SITES

Where, as indicated by the Master Plan, a proposed subdivision contains, wholly or in part, a proposed public open space or a proposed site for a public building, such areas shall be dedicated to a public agency or reserved for acquisition thereby within a period of five years by purchase or other means.

Normally the Planning Commission shall require that from five to ten percent of the area of a subdivision, exclusive of streets, be allocated for recreational areas.

In determining such areas for dedication or reservation, however, the Commission shall take into consideration the prospective character of the development, whether dense, residential, open residential, business or industrial. The Commission may reduce or waive the requirements for open space and sites in special situations where they would cause undue hardship or where there exists adequate open space to serve the population in the area to be platted. Where a subdivided area is too small to provide an open space of suitable size and character, the Commission may require provision of such a tract as may be combined with open spaces provided or to be provided in adjoining areas, so as to produce a total area of adequate size.

Due regard shall be shown for preserving outstanding natural or cultural features such as scenic spots or watercourses, exceptionally fine groves of trees and historic sites or structures. Provision for public ownership is usually the best means of assuring their preservation. (Ord. 1966-45. Passed 5-12-66.)

1111.09 - ACCURACY

Any owner or proprietor of lots or grounds within the City who subdivides or lays them out for sale shall cause to be made an accurate map or final plat of such subdivision describing with certainty all grounds laid out or granted for streets, alleys, ways, commons or other public uses. Lots platted, sold, auctioned or intended for sale shall be numbered by progressive numbers or described by the squares in which situated and the precise length and width shall be given of each lot sold or intended for sale. Such map or plat shall be subscribed by the owner or owners, the proprietor or developer, the mortgage holder with his certificate of consent, the surveyor or engineer, the proper municipal authorities and the City Planning Commission. Such signature of the owner or owners or proprietor or developer or his agent duly authorized in writing shall be acknowledged before an officer authorized to take the acknowledgement of deeds, who shall certify the acknowledgement of the instrument.

(Ord. 1966-45. Passed 5-12-66.)

CHAPTER 1111 - Minimum Standards

- [1111.01](#) Compliance required.
- [1111.02](#) Streets and other access ways.
- [1111.03](#) Dimensional standards.
- [1111.04](#) Minimum alignment standards.
- [1111.05](#) Intersections.
- [1111.06](#) Blocks.
- [1111.07](#) Residential lots.
- [1111.08](#) Public open spaces and sites.
- [1111.09](#) Accuracy.

CROSS REFERENCES

Inspection and acceptance of streets - see Ohio R.C. 711.08, 711.091

Variations and modifications - see P. & Z. [1103.06](#)

1111.01 - COMPLIANCE REQUIRED

All subdivisions and all divisions of land shall be made in compliance with the following minimum standards and design requirements, in addition to the improvements set forth in Chapter [1113](#).

(Ord. 1966-45. Passed 5-12-66.)

1111.02 - STREETS AND OTHER ACCESS WAYS

Streets and other access ways shall:

(a) Comply with the Official Map of Thoroughfares and with the Regional Thoroughfare Plan hereafter adopted by the Planning Commission.

(b) Comply with any tentative neighborhood plan prepared by the Planning Commission, if any, for the area where the subdivision is located.

(c) Give adequate recognition to existing topography.

(d) Provide that proposed streets continue and complete existing streets (constructed or recorded) at equal or greater width and in similar alignment, except for variations recommended by the Planning Commission.

(e) Include a minor street approximately parallel to the main thoroughfare, wherever desirable. By-passes should be provided around major intersections.

(f) Provide access to adjoining unsubdivided land as specified by the Planning Commission.

(g) Be planned to discourage use of minor streets by nonlocal traffic.

(h) Be planned, if only part of the tract is to be subdivided, and that part which is not to be subdivided shall be sketched.

(i) Intersect as nearly at right angles as possible.

(j) Be planned, where a new subdivision involves frontage on a heavy traffic way (particularly Federal and State routes or parkways), to provide motor access to such frontage by one of the following means:

(1) A parallel street (supplying frontage for lots backing on to the traffic way).

(2) A series of cul-de-sacs or short loops entered from such a parallel street with their terminal lots backing on to the highway.

(3) An access drive separated by planting a strip from the highway to which motor access from the drive is provided at points suitably spaced.

(4) A service drive or alley at the rear of lots. Where such is provided, deed covenants or other protective measures should prevent private residential driveways from having direct access to the highway.

(k) Be planned, where a railroad is involved, so as to:

(1) Provide for future grade separation.

(2) Boarder the railroad with a parallel street at sufficient distance either to permit deep lots to back on to the railroad or to form a buffer strip for part business or industrial use.

(3) Provide cul-de-sacs at right angles to the railroad to permit deep lots to back thereto.

(l) Be planned so as not to have cul-de-sacs longer than 600 feet unless topography necessitates greater length.

(m) Be planned so as not to have the following conditions:

(1) Alleys in residential districts (except where needed by special conditions).

(2) Dead-end alleys.

(3) Reserves.

(n) Be planned with easements for utilities along side and rear lot lines where needed.

(o) Provide an easement along natural drainage courses of adequate width for maintenance.

(p) Not encroach upon areas planned as other future public facilities, as shown on the Master Plan. (Ord. 1966-45. Passed 5-12-66.)

1111.03 - DIMENSIONAL STANDARDS

(a) Right of Way Widths, Grades, Radii.

	Grades Width (feet)	Minimum		Minimum Curve Radii Feet
		Max.	Min.	
(1) Primary thoroughfares, major thoroughfares, State highways, parkways	84*	6%	0.5%***	300
(2) Secondary thoroughfares	74*	6%	0.5%***	200
(3) Minor streets	50-60**	12%	0.5%***	100
(4) Alleys paralleling thoroughfares and in business districts -	20	8%	0.5%***	
(5) Other alleys	16	10%	0.5%	
(6) Crosswalk ways	10	10%	0.5%	
(7) Easements (on each side of property line)	5			

* Except in cases where an approved major street section of the Regional Thoroughfare Plan or of the Official Map of Thoroughfares specifies a greater or lesser width.

** The fifty feet minimum will be acceptable only for cul-de-sacs, loop streets and those short side streets which have no property frontage.

*** At the gutter.

(b) Cul-de-sacs (Courts).

(1) The maximum length of cul-de-sacs shall be 600 feet.

(2) The terminal of a cul-de-sac shall be a circular area with a minimum diameter of 100 feet (right of way).

(c) Minimum Pavement Widths.

	Feet
(1) Primary streets, main thoroughfares, State highways -	50*
(2) Secondary thoroughfares	40*
(3) Minor streets abutting property on both sides, which is restricted by deeds or zoning to not over two families per residence -	26**
(4) Other minor streets -	32**
(5) Cul-de-sacs shall have a turnaround pavement with inside radius -	14
with outside radius -	40

* Except in cases where the approved major street section of the Regional Thoroughfare Plan or of the Official Map of Thoroughfares or of the State Highway Department specifies a greater or lesser width. The owner is not required to provide more than the cost of a minor street pavement as specified in subsections (c)(3) and (4) hereof.

** The Planning Commission may permit a pavement of not less than twenty feet in width for minor streets and roads where the subdivision or area is located outside the corporate limits and where conditions A. and B. exist, and inside the corporate limits where condition C. exists:

A. The tract is not abutting and is not within one and one-half miles from any State highway, and

B. The tract does not have and is not within one mile from any area now having municipal water, sewer or waste collection service.

C. The topography is such that it would not be feasible from an engineering standpoint to build a street of wider width. In such instances parking would be prohibited on both sides of the street and a note indicating that no parking shall be permitted shall be placed on the recorded subdivision plat. The subdivision that falls within this determination shall meet all other requirements of these Regulations including right of way, vertical grade and dimensions of cul-de-sacs. A guard rail shall be required where the incline of the slope exceeds 3:1 and where the height of the embankment is three feet or greater. (Ord. 1970-119. Passed 12-30-70.)

1111.04 - MINIMUM ALIGNMENT STANDARDS

(a) Vertical.

(1) For primary and major thoroughfares, State highways and parkways, profile grades shall be connected by vertical curves of a minimum length (projected horizontally) equivalent to fifteen times the algebraic difference between the rates of grade, expressed in feet per hundred. State highways shall comply with any stricter requirements of the State Department of Transportation.

(2) For minor streets and alleys, one-half the minimum of subsection (a)(1) hereof. Any increase between two rates of grade in this section shall not exceed two percent (2%) if avoidable.

(b) Horizontal. See Section [1111.03\(a\)](#). (Ord. 1966-45. Passed 5-12-66.)

1111.05 - INTERSECTIONS

(a) Streets shall intersect as nearly at right angles as possible.

(b) Adequate corner clearance shall be provided, and no fence or shrubbery over three feet high shall be located so as to cause a traffic hazard.

(c) Property line corners shall be rounded with a curve (or cut with a straight line) on an arc approximately concentric with the radius of the curb or edge of the pavement, the minimum radius of which shall be ten feet on major and secondary thoroughfares and in business districts.

(d) Street curbs or edges of street pavements shall be rounded by radii of at least twenty feet.

(e) The minimum radii in subsections (c) and (d) hereof shall be increased when the smallest angle is less than sixty degrees, or in any case where the Planning Commission considers it necessary.

(f) Reverse curves in a curb line or edge of a street pavement shall be separated by a tangent of suitable length.

(g) Jogs shall not be made at intersections. (Ord. 1966-45. Passed 5-12-66.)

1111.06 - BLOCKS

(a) The maximum length of blocks shall be 1,300 feet.

(b) Blocks over 900 feet long shall have a crosswalk way approximately at center.

(c) The width of blocks shall be sufficient to allow normally, two tiers of lots of approximately equal depth.

(d) Irregular shaped blocks (including superblocs) indented by cul-de-sacs and containing parks and playgrounds, may, if properly designed, be adequately provided with parks, playgrounds and parking space and with agreements as to the maintenance of public areas.

(e) The long dimension of a block shall front on a major thoroughfare (to minimize intersections).

(f) Business and industrial blocks shall be designed for their prospective use. (Ord. 1966-45. Passed 5-12-66.)

1111.07 - RESIDENTIAL LOTS

(a) The size, shape and orientation of residential lots shall be appropriate to the location of the proposed subdivision and to the types of development contemplated, and in conformity with the Zoning Code.

(b) Excessive depth in relation to width shall be avoided. A ratio of three and one-half to one shall normally be considered as a desirable maximum for widths of sixty feet and over.

(c) If topography permits, lots fronting on main traffic ways should have extra depth and deep setbacks.

(d) Every lot shall abut on a street or other public right of way.

(e) Double frontage lots shall be avoided.

(f) Side lines of lots shall be approximately at right angles or radial to the street line, unless, in the opinion of the Planning Commission, a variation from this rule will give a better street and lot plan. On curved streets, the lot line shall be radial to the curve whenever possible.

(g) Corner lots shall have extra width sufficient to permit maintenance of building lines on both front and side.

(h) Where irregularity of ownership or street lines inevitably produces small remnant lots, such areas shall be added to adjoining lots or left unplatted and marked to be left in that status until such time as arrangements may be made with the adjoining property owners for the proper platting of such places. (Ord. 1966-45. Passed 5-12-66.)

1111.08 - PUBLIC OPEN SPACES AND SITES

Where, as indicated by the Master Plan, a proposed subdivision contains, wholly or in part, a proposed public open space or a proposed site for a public building, such areas shall be dedicated to a public agency or reserved for acquisition thereby within a period of five years by purchase or other means.

Normally the Planning Commission shall require that from five to ten percent of the area of a subdivision, exclusive of streets, be allocated for recreational areas.

In determining such areas for dedication or reservation, however, the Commission shall take into consideration the prospective character of the development, whether dense, residential, open residential, business or industrial. The Commission may reduce or waive the requirements for open space and sites in special situations where they would cause undue hardship or where there exists adequate open space to serve the population in the area to be platted. Where a subdivided area is too small to provide an open space of suitable size and character, the Commission may require provision of such a tract as may be combined with open spaces provided or to be provided in adjoining areas, so as to produce a total area of adequate size.

Due regard shall be shown for preserving outstanding natural or cultural features such as scenic spots or watercourses, exceptionally fine groves of trees and historic sites or structures. Provision for public ownership is usually the best means of assuring their preservation. (Ord. 1966-45. Passed 5-12-66.)

1111.09 - ACCURACY

Any owner or proprietor of lots or grounds within the City who subdivides or lays them out for sale shall cause to be made an accurate map or final plat of such subdivision describing with certainty all grounds laid out or granted for streets, alleys, ways, commons or other public uses. Lots platted, sold, auctioned or intended for sale shall be numbered by progressive numbers or described by the squares in which situated and the precise length and width shall be given of each lot sold or intended for sale. Such map or plat shall be subscribed by the owner or owners, the proprietor or developer, the mortgage holder with his certificate of consent, the surveyor or engineer, the proper municipal authorities and the City Planning Commission. Such signature of the owner or owners or proprietor or developer or his agent duly authorized in writing shall be acknowledged before an officer authorized to take the acknowledgement of deeds, who shall certify the acknowledgement of the instrument.

(Ord. 1966-45. Passed 5-12-66.)

CHAPTER 1113 - Prerequisites to Approval of Final Plan and Municipal Services

- [1113.01](#) Compliance required; standards.
- [1113.02](#) Improvements required.
- [1113.03](#) Classification.
- [1113.04](#) Development plans.
- [1113.05](#) Grading of streets and alleys.
- [1113.06](#) Street surfaces.
- [1113.07](#) Sanitary sewers.
- [1113.08](#) Storm sewers.
- [1113.09](#) Water mains.
- [1113.10](#) Curbs and gutters.
- [1113.11](#) Sidewalks and other improvements.
- [1113.12](#) Monuments.
- [1113.13](#) Sub-divider's responsibility for improvements.
- [1113.14](#) Standards.

CROSS REFERENCES

- Inspection and acceptance of streets - see Ohio R.C. 711.08, 711.091
- Improvement construction or completion bond - see P. & Z. [1107.01\(c\)](#)
- Minimum standards - see P. & Z. Ch. [1111](#)

1113.01 - COMPLIANCE REQUIRED; STANDARDS

No final subdivision plan shall be approved nor shall any streets be dedicated, nor shall any lots or land be separated, auctioned, exchanged, transferred, leased or sold except upon the completion of the improvements as specified in this chapter, or the execution of an agreement and furnishing of security for the completion thereof, and upon the approval of the final plan as specified in these Subdivision Regulations.

All improvements required by these Subdivision Regulations within the incorporated area of the City and the area within not more than three miles from the City limits as shown on the Plan "Portsmouth Metropolitan Area" shall conform to the standards of design and specifications for materials and construction approved by the City Engineer.

Except as otherwise provided, the phrase "approved by the Engineer" shall mean "approved by the City Engineer".

1113.02 - IMPROVEMENTS REQUIRED

The following improvements shall be made and installed by the owner or developer prior to the approval of the final plan and shall be approved by the City Engineer, as required in Section [1113.01](#), and by the Planning Commission. (Ord. 1966-45. Passed 5-12-66.)

1113.03 - CLASSIFICATION

Class A: Primary thoroughfares, major thoroughfares and parkways.

Class B: Secondary thoroughfares.

Class C: Minor streets in areas where abutting property on both sides is restricted by plat or deed restrictions to residences occupied by not more than two families in any residence or is in a Residence "A" or Residence "AA" District, as established in the Zoning Code.

- Class D: Other minor streets.
- Class E: Nonurban secondary thoroughfares.
- Class F: Nonurban minor roads.
- Class G: Alleys.
- Class H: Sidewalks or crosswalks.

The term "nonurban" shall apply to improvements planned or provided in areas located both outside the City and beyond the probable future urban area when all of the following conditions exist:

(a) The tract is not abutting and is not within one and one-half miles from any State highway (see exception).

(b) The tract does not have, and is not within one mile from any area now having municipal water or waste collection service (see exception).

Exception: Where the Planning Commission finds an area that is within one and one-half miles from a State highway or is within one mile from municipal services but is so isolated by topography and the impossibility of extension of all of the above services, such area may be considered subject to the requirements of only "nonurban areas".

(Ord. 1966-45. Passed 5-12-66.)

1113.04 - DEVELOPMENT PLANS

Before the preliminary plan of the subdivision or development is approved, the following development plans shall be submitted to and approved, disapproved or modified by the Planning Commission:

(a) A profile of each street with tentative grades, sewer lines and manholes. The scale on the horizontal shall be the same as the plan. On the vertical it shall be one inch equals twenty feet, or in proportion. See also Section [1109.06\(c\)\(5\)](#).

(b) Typical street cross-sections at a scale of not less than three-eighths inch equals one foot showing widths of roadways, location and width of curbs, gutters and sidewalks and location and size of utility mains. See also Section [1109.06\(c\)\(5\)](#).

(c) A plan and profiles of the proposed sanitary and storm sewers (combined sewers are prohibited) and culverts, if any, with grades and pipe sizes.

(d) A plan of the water distribution system, showing pipe sizes and the location of valves and fire hydrants.

(e) Curbs, gutters and sidewalks. See subsection (b) hereof.

(f) A street tree planting plan, which, though not compulsory, is recommended for the protection of property values.

(g) The location of street name signs.

(h) The location of monuments. (Ord. 1966-45. Passed 5-12-66.)

1113.05 - GRADING OF STREETS AND ALLEYS

Grading shall be done for the full width of the right of way and in accordance with the development plans submitted with the preliminary plan and approved by the Planning Commission. In order to avoid steep banks, grading of streets and roads shall be carried on to lots fronting thereon to a reasonable extent so as to make such lots useful for building purposes. Storm sewers of sufficient size shall be installed wherever needed in the opinion of the

Engineer. Watercourses crossed by a street or road shall be provided with permanent culverts of adequate size as approved by the Engineer. (Ord. 1966-45. Passed 5-12-66.)

1113.06 - STREET SURFACES

(a) Width of Pavement.

<u>Street, Thoroughfare or Road Classification</u>	<u>Minimum Pavement Width (Feet)</u>
Class A	50*
Class B	40**
Class C	26
Class D	32
Class E	24
Class F	20
Class G	16

* Except in cases where the approved major street section of the Official Map of Thoroughfares, Streets and Public Lands of the City of Portsmouth or the State Transportation Department plans specify a greater or lesser width the owner is not required to provide more than the cost of a minor street pavement as indicated in Classes C and D above.

** In business districts and where parallel to major thoroughfares: 20 feet.

(b) Type and Thickness of Pavement. (Alternatives) The minimum standards for Classes C and D shall be as follows:

<u>Type of Pavement and Base</u>	<u>Minimum Thickness (inches)</u>
(1) Concrete reinforced	6
310 (Bank run sand and gravel)	4
(2) Bituminous mix	
404 (State mix)	2
Base of 301 (bituminous State mix)	6
304 Aggregate Base	3

For Class B roads, subsection (b)(1) hereof shall be increased two inches and subsection (b)(2) hereof shall have the base increased by two inches and the top mix increased by one inch.

For Class A roads, subsections (b)(1) and (2) hereof shall be further increased as required by the Engineer and/or State Department of Transportation.

For Class E roads and Class F roads use the pavement and base described in either of subsection (b)(1) or (2) hereof.

The construction of the above shall be in accordance with the procedures set out in the State of Ohio Department of Transportation Construction and Material Specifications and shall be constructed under the supervision of the Engineer or his authorized agent.

(Ord. 1977-162. Passed 9-27-77.)

1113.07 - SANITARY SEWERS

Where the size of the lots on the subdivision plan (or in the location of a development) indicates a population density per lot of more than one family per 20,000 square feet exclusive of streets, then the following requirements shall be complied with:

- (a) Where a public sanitary sewer main is reasonably accessible, the sub-divider or developer shall connect with each sanitary sewer and provide mains reasonably accessible to each lot.
- (b) Where a public sanitary sewer main is not reasonably accessible, proper provisions shall be made for the disposal of sanitary sewage by a method approved by the Planning Commission.
- (c) Where a public sanitary sewer main is not reasonably accessible but where the plans for same have been prepared and arrangements made for financing the work, then the sub-divider or developer shall install sewers in conformity with such plans, although a connection with an existing public sewer main may not be immediately practicable. In such cases, and until such connection is made with the sewer system of the district concerned, the sub-divider shall provide for disposal of sanitary sewage by a method to be approved by the Planning Commission.

In no case shall any method of sanitary sewage disposal be of a standard lower than the minimum standards of the City and State Boards of Health.

All sewer mains installed and discharging, or to discharge, into the sewer system of the City shall become the property of the City, and all right and title thereto shall be vested in the City. No property shall be served with taps by any sanitary sewer that discharges into the sewer system of the City unless the owner or resident is also served with City water.

(Ord. 1966-45. Passed 5-12-66.)

1113.08 - STORM SEWERS

Separate storm sewers and/or other separate storm water drainage shall be provided by the sub-divider, owner or developer, and the sanitary sewers shall not be used for storm water disposal. Such storm water disposal facilities shall be of such type, size and installation, in the opinion of the Engineer and the Planning Commission, to be adequate to dispose of the water from the area concerned, together with adequate catch basins, drain inlets and other underground drainage structures.

The right and title to all storm sewers discharging into the sewer system of the City shall be vested in the City. (Ord. 1966-45. Passed 5-12-66.)

1113.09 - WATER MAINS

Where the subdivision is located within the City or where the size of the lots on the subdivision plan (or the location of a development) indicates a population density per lot of more than one family per 20,000 square feet exclusive of streets, then the following requirements shall be complied with:

- (a) In areas where an approved public water supply is reasonably accessible or procurable, the sub-divider shall contract with the Department of Public Utilities or other local water distributing agency to make the water supply available for each lot within the subdivided area. Water mains shall be provided by the owner or developer to specifications approved by the Department of Public Utilities and the necessary trench shall be dug, the main laid and the trench backfilled by the owner or developer to the approval of the Department of Public Utilities. Provisions shall be made for adequate fire protection.

(b) All mains installed and supplied or to be supplied by the Department of Public Utilities shall become the property of the City and all right and title thereto shall be invested in the City.

(c) All subdivision owners and developers or the persons requesting water service are required to enter into a contract whereby the method of financing and paying for the installation of water mains will provide that all right and title to the water main shall be vested in the City and that the City may exercise its rights accordingly. (Ord. 1966-45. Passed 5-12-66.)

1113.10 - CURBS AND GUTTERS

The minimum requirements for curbs and gutters shall be in accordance with the standards on file in the office of the City Engineer. (Ord. 1966-45. Passed 5-12-66.)

1113.11 - SIDEWALKS AND OTHER IMPROVEMENTS

(a) On minor streets and roads in areas restricted for residence occupied by not more than two families, a sidewalk not less than four feet wide and four inches thick Portland cement concrete or its equivalent, on at least one side of the street, shall be required.

(b) On minor streets and roads in the other areas, a sidewalk not less than four feet wide and four inches thick Portland cement concrete, or its equivalent, on both sides of the street, shall be required.

(c) On major thoroughfares, a sidewalk not less than five feet wide and four inches thick Portland cement concrete, or its equivalent, on both sides of the street, shall be required.

(d) Except as otherwise approved by the Shade Tree Commission, street trees of types approved by the Shade Tree Commission and not being less than three inches in diameter may be planted, generally forty to fifty feet apart.

(e) Any sidewalk laid in any street or public place within the City in a manner inconsistent with the provisions of this section shall, upon the recommendation of the Department of Engineering, be ordered re-laid to the proper grade and in the proper manner. (Ord. 1995-75. Passed 9-11-95.)

1113.12 - MONUMENTS

Accurate location of all monuments shall conform to Ohio R.C. 711.03, as follows:

At the time of surveying and laying out a village, or subdivision or addition to a municipal corporation, the proprietor of such village, or subdivision or addition, shall plant at the corner of the public ground or lot, if there is such, and if there is none, then at the corner of one of the inlots and at the corner of each outlot, a good and sufficient stone, of such size and dimensions and in such manner as the surveyor provided for under Ohio R.C. 711.01 directs, for a corner from which to make future surveys, and the point at which it may be found shall be designated on the plat.

Such proprietor shall direct the surveyor to place and set at least four permanent markers in each plat of ten lots or less. In a village or in a subdivision, addition or allotment having more than ten lots, whether within or without a municipal corporation, the proprietor shall cause to be placed as many additional permanent markers as the surveyor deems necessary to properly control his original survey. Such permanent markers shall be placed in a manner so that the line of sight between such markers can be observed from one marker to the other. Such markers shall be made of either stone or concrete at least four inches in diameter, or four inches square, and properly marked. The markings on such markers shall consist of a cross cut with the legs of the cross at

least three inches long and at least one-eighth inch deep. Solid iron pins of at least one inch diameter may also be used as permanent markers. All stone, concrete or iron pin markers shall be at least thirty inches long and the bottom of such markers shall be set at least thirty inches below finished grade.

If the location for a permanent marker is originally determined to be in an area of solid rock, it may be relocated and offset from its original position. Such relocation must be noted on the plat. These and all other markers shall be designated on the plat before it is presented for record, but setting of such markers shall not be required prior to the completion of construction necessary to the improvement of the land. (Ord. 1966-45. Passed 5-12-66.)

1113.13 - SUBDIVIDER'S RESPONSIBILITY FOR IMPROVEMENTS

In lieu of actual completion of such improvements the sub-divider may elect one of the following alternatives:

(a) Deposit a cash sum with the City for the improvements required by these Subdivision Regulations, the estimate of this sum to be approved by the City Engineer for areas within the City and unincorporated areas with whose owners negotiations are being made for annexation to the City and for water and sewer extensions beyond the corporate limits of the City.

(b) Enter into a contract with the City whereby the owner, sub-divider or developer promises to provide or pay for all improvements required by these Subdivision Regulations and posts a surety bond in an amount of ten percent (10%) of the estimated cost of the improvement to guarantee the completion of the work. (Ord. 1966-45. Passed 5-12-66.)

1113.14 - STANDARDS

The minimum requirements for the repair, improvement or new construction of curbs, sidewalks, gutters and driveways, shall be in accordance with standards on file in the office of City Engineering. These standards, as specified or as adopted by the Ohio Department of Transportation, shall apply to all repair, improvement and new construction projects within the City. Standards to be designated as City of Portsmouth Minimum Requirements - Codified Ordinance [1113.14](#). (Ord. 2005-62. Passed 8-8-05.)

CHAPTER 1115 - Obligations and Charges

[1115.01](#) Services to property inside City.

[1115.02](#) Services to property outside City.

[1115.03](#) Charges for reviewing plans and for engineering services.

[1115.04](#) Grading permit.

CROSS REFERENCES - Storm sewer tapping fee - see S.U. & P.S. [923.02](#)

Sanitary sewer tapping fees - see S.U. & P.S. [925.06](#), [925.10](#)

Building permits and fees - see BLDG. Ch. [1305](#)

1115.01 - SERVICES TO PROPERTY INSIDE CITY

Persons requesting services to property inside the City and to subdivisions of land inside the City shall:

(a) Submit a preliminary plan to the Planning Commission showing existing and proposed streets and lots and locations of water mains and sewers. Where a new subdivision or undeveloped land is involved, all the requirements of Chapters [1109](#), [1111](#) and [1113](#) shall be complied with. If a final plan of the subdivision has been previously approved and recorded, the preliminary plan and development plan shall be for the particular service extension involved.

(b) Construct and install the improvements, including street grading and paving and sewer installations, under City supervision, provision of water mains (owner purchasing materials, cutting ditch and backfilling; the City to make installation) and other improvements in accordance with Chapter [1113](#).

(c) Pay tapping fees for connections of each lot to the water system.

(d) Pay tapping fees for connections of each lot to the sanitary and storm sewer system.

(Ord. 1966-45. Passed 5-12-66.)

1115.02 - SERVICES TO PROPERTY OUTSIDE CITY

Persons requesting services to property outside the incorporated area of the City shall:

(a) Submit a preliminary plan to the Planning Commission showing existing and proposed streets and lots and locations of pavements, water mains and sewers.

Where a new subdivision or undeveloped land is involved, all the requirements of Chapters [1109](#), [1111](#) and [1113](#) shall be complied with. The Planning Commission shall not approve any service extensions unless it finds that there are adequate plans for the development of the area, whether the land has previously been subdivided, divided or developed, or a new land subdivision is involved. The preliminary plan and the development plans for the services shall be prepared in compliance with Chapter [1113](#), and the development plans shall be approved by the Planning Commission before the work on installations may proceed. Modifications required by the Planning Commission shall be binding upon the owners and developers as well as other persons outside the City requesting the services.

(b) Water main extensions shall be made by a contract between the City and persons outside the City requesting the extension, whereby such persons shall provide for the materials, cutting the ditch, installing the main and backfilling and restoring the street, and the City shall have the right, title and interest in the main and shall provide for the necessary steps to obtain same, together with the right to collect meter usage fees and to provide water service at rates substantially greater than the rates charged users inside the City.

(c) Sanitary sewer extensions shall be made by a contract between the City and persons outside the City, whereby such persons shall construct and install the sewers, and the City shall have or obtain all right, title and interest in the sewer, together with the right to collect a usage fee and to maintain the sewer at the expense of the property owner.

(d) Storm sewers shall be made by a contract between the City and persons requesting the sewer, whereby such persons shall construct and install the sewer, and all right, title and interest in the sewer (if it is to be connected with the storm sewers of the City) shall be vested in the City.

(e) Tapping fees, as provided in Sections [923.02](#) and [925.10](#) of Part Nine, Streets and Public Services Code, shall be charged with a surcharge of fifty percent (50%) upon owners of property outside the City for any connections from any water main or sewer to any lot or property served.

(f) Water meter usage fees of three dollars (\$3.00) per year shall be charged for each building served.

(g) Sanitary sewers shall not be extended or connected to any property unless the person tapping upon same already has water service.

(h) Sanitary sewer usage fees (for both sanitary and combined sanitary and storm sewers) shall be charged against each owner or user tapping upon such sewer at the rate of thirty percent (30%) of his water bill or six dollars (\$6.00) per residence, whichever is the greater.

(i) Upon failure or refusal of any owner or user to pay any of the above fees, the Department of Public Utilities shall, in the name of the City, have a lien upon all property served with water main and sewer extensions for the amount of such fee, with the power to shut off water service and to prosecute further any owners or users delinquent in their payments as required above, with all legal expenses to be borne by the owners.

(j) Further extensions and taps may be permitted by the City after the above installations are made, provided that the owner who requests such new tap shall pay to the City his pro rata share of the original cost of the construction and installation, such pro rata charge to be refunded to the owners of the property that was originally served by such extension.

(k) All surcharges, tapping fees and usage fees shall be deposited in appropriate capital improvement funds.

(l) All future extensions outside the City shall be made by a contract between the City and the persons requesting such extensions.

(m) Street surfacing costs outside the City shall be borne by the owner of the properties served.

(n) Owners and other persons outside the City requesting or receiving waste collection service shall pay waste collection fees according to the following schedule:

		Rate	
Zone	Location	Week	Month
1	Fringe of land up to one-half mile beyond City limits -	\$0.50	\$2.00
2	Additional fringe between one-half mile and one mile beyond City limits -	0.75	3.00
3	Further fringe between one mile and two miles beyond City limits -	1.00	4.00

(Ord. 1966-45. Passed 5-12-66.)

1115.03 - CHARGES FOR REVIEWING PLANS AND FOR ENGINEERING SERVICES

No final plan shall be approved by the City Planning Commission and no land shall be separated, exchanged, transferred, leased, sold or developed, and no services shall be extended or provided to any such property, unless the owner, sub-divider or developer has made a payment to the Building Officer of such a sum as to include the actual time spent in the review of such plans and of engineering services provided during construction, as determined from cost records of the Planning Commission and of the Department of Engineering. Costs are to be computed on the basis of current costs. (Ord. 1966-45. Passed 5-12-66.)

1115.04 - GRADING PERMIT

No person shall develop, grade or fill any land, tract, or lot or do any other work that is within the definition of the word "develop", unless and until such person, in addition to other requirements of these Subdivision Regulations has first obtained from the Building Officer a grading permit, after having first submitted to the Building Officer a grading plan or other adequate proposal, after having secured the approval of same by such Building Officer, and after having paid a fee of not less than twenty-five dollars (\$25.00) per acre and in no case less than five dollars (\$5.00) per 5,000 square feet or fraction thereof. Such grading plan or proposal shall show, to the satisfaction of the Building Officer, that a satisfactory method is provided for disposal of the water, retention of the earth and prevention of erosion, and that no action will be taken, and no work will be done, so as to cause any change of drainage or flow of water or materials or otherwise affect adversely any adjacent or neighboring property or any public streets, alleys, sidewalks, sewers or other public property or facilities.

Wherever the existing vegetation is removed or covered with new earth, the same shall immediately be sodded or seeded and mulched, to prevent erosion and wash. Excess excavation remaining shall be placed in uniform piles and covered with a water repellent material securely fastened to prevent wash.

The developer or owner shall post a five hundred dollar (\$500.00) bond in favor of the City before a permit is issued to assure compliance with the above.

Upon failure of the owner or developer to comply with these Subdivision Regulations, the Building Officer shall notify the owner or developer and shall order the Director of Service to correct the default. The cost of this service shall be paid by the surety. (Ord. 1991-94. Passed 8-13-91.)

CHAPTER 1117 - Hillside Regulations

- [1117.01](#) Purpose.
- [1117.02](#) Location of areas subject to regulations.
- [1117.03](#) Areas covered by regulations.
- [1117.04](#) Responsibility of developer.
- [1117.05](#) Geologic report required.
- [1117.06](#) Building permit.
- [1117.99](#) Penalty.

1117.01 - PURPOSE

Certain hillsides within the corporate boundaries of the City exhibit special and distinctive characteristics including, but not limited to, geological strata, soil formations, slopes, vegetation and water flow.

The purpose of this chapter is to assist the development of lands and structures to be compatible with the existing physical conditions and to protect the environment and existing improved lands in those locations where the environment is vulnerable to damage by development permitted under conventional zoning and building regulations.

Hillside regulations are required to protect the property owners and the public from damages caused by building upon or developing properties and areas of sensitive environmental qualities; from unsafe buildings on unstable land which would be caused by uncontrolled development; from soil erosion and stream siltation; from destruction of mature and/or valuable trees and other vegetation. (Ord. 1985-13. Passed 2-12-85.)

1117.02 - LOCATION OF AREAS SUBJECT TO REGULATIONS

The location of all areas subject to these hillside regulations shall be shown on the building map of the City as an overlay zone superimposed over existing zones.

Council may from time to time expand the areas subject to this chapter. (Ord. 1985-13. Passed 2-12-85.)

1117.03 - AREAS COVERED BY REGULATIONS

The areas covered by these hillside regulations shall be all those currently underdeveloped or undeveloped lands or lots with a slope of ten percent (10%) or more and/or the existence of KOPE geologic formations. A KOPE formation consists of bedrock material composed of approximately eighty percent (80%) shale and twenty percent (20%) limestone overlaid by silts or clays, thus creating a slide plane at their interface. (Ord. 1985-13. Passed 2-12-85.)

1117.04 - RESPONSIBILITY OF DEVELOPER

It shall be the responsibility of the developer in the case of subdivisions, or the property owner in the case of individual lots, to have prepared by a professional engineer, registered under the laws of the State with expertise in geology, a geological investigation and report attesting to specific site conditions and the extent, if any, to which the site can be modified by removal of vegetation, altering the natural flow of water, cutting or filling. The report shall be sealed by the engineer performing the evaluation. (Ord. 1985-13. Passed 2-12-85.)

1117.05 - GEOLOGIC REPORT REQUIRED

The geologic report shall be submitted to the City Planning Commission who shall evaluate its contents and any other applicable data and information and render a decision within sixty days of report submission. (Ord. 1985-13. Passed 2-12-85.)

1117.06 - BUILDING PERMIT

The City Building Official shall not issue a permit for construction or addition to any existing building until the decision of the City Planning Commission has been reached.

In reviewing and acting upon the geological report required by this chapter, the Planning Commission shall be reviewing it solely to determine if the terms and conditions of this chapter have been complied with. By approving the report and issuing a permit, the City is not adopting the report as its own, and shall not be responsible for any consequences resulting therefrom. The responsibility shall be that of the engineer and developer, builder or owner. (Ord. 1985-44. Passed 5-14-85.)

1117.99 - PENALTY

Whoever violates any provision of these hillside regulations by doing or causing to be done any of the things prohibited herein, or by failing or refusing to do any of the things herein required to be done, or otherwise violates, disobeys, omits, neglects or refuses to comply with any of the provisions of these regulations shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. Each day such violation of failure to comply with the provisions of these regulations exists after notification thereof shall constitute a separate offense, and each and every violation shall constitute a separate offense.

(Ord. 1985-13. Passed 2-12-85.)

TITLE THREE - Zoning Code

Chap. [1131](#). Administration, Enforcement and Penalty.

Chap. [1133](#). Districts and Regulations.

Chap. [1135](#). General Provisions.

[Appendix A](#) - Zoning Map Changes.

CHAPTER 1131 - Administration, Enforcement and Penalty

[1131.01](#) Definitions.

[1131.02](#) Enforcement.

[1131.03](#) Board of Zoning Appeals.

[1131.04](#) City's remedies.

[1131.05](#) Severability.

[1131.06](#) Conflict of laws.

[1131.07](#) Amendments.

[1131.99](#) Penalty.

CROSS REFERENCES

Zoning; Board of Appeals - see CHTR. Secs. [115](#)(f), [120](#)

Zoning amendments - see CHTR. Sec. [116](#); Ohio R.C. 713.10, 713.12, 3733.01, 3781.06, 4501.01

Violation of zoning ordinances - see Ohio R.C. 713.13

Building permits to conform to zoning - see BLDG. [1305.01](#)(j)

1131.01 - DEFINITIONS

Certain terms used in this Zoning Code are herein defined as follows:

(1) Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "lot" includes the word "plot" and the word "parcel"; the word "building" includes the word "structure"; the word "occupied" includes the words "designated or intended to be occupied"; the word "used" includes the words "arranged, designated or intended to be used"; and the word "shall" is mandatory and not directory.

(2) "Accessory building" means a building which is subordinate to the main or principal building on a lot and used for a purpose customarily incidental to those of the main or principal building.

(3) "Accessory use" means a subordinate use of a portion of the lot or premises which is incidental to the main use of the lot or premises. The term "accessory use" shall not be construed either to include or to permit any occupation, activity or use prohibited under the definition and restrictions herein established for "home occupation".

(4) "Alley building" means any building on, or within forty feet from, an alley at the rear of a lot. No such building shall be erected, designed, intended or arranged to be used in violation of the restrictions hereby established for accessory buildings.

(5) "Apartment" means an accommodation for one family within a portion of a dwelling for three or more families occupied by leases, the families living independently of each other and doing their cooking on the premises. The term "apartment" shall not be construed to permit two-family semi-detached dwellings or row houses.

(6) "Apartment house" means a dwelling for four or more families occupied by leases, the families living independently of each other and doing their cooking on the premises.

- (7) "Board of Appeals" means the Board of Zoning Appeals.
- (8) "Boarding house" means an abode, not a public inn, in which sleeping rooms for more than four persons for lodging with meals are provided for compensation.
- (9) "Building height" means the perpendicular distance measured in a straight line from the curb level (or from a mean elevation of the land thirty-five feet in front of such building) to the highest point of the roof beam above the highest story, in the case of flat roofs, or to the average of roofs above the highest story, in the case of pitched roofs.
- (10) "Church" means a place of worship or a Sunday School, but not a rescue mission or place whose chief activity is not a customary church activity.
- (11) "Corner lot" means a lot fronting on a street at its intersection with another street or with a railroad right of way or with the boundary of a public park or cemetery.
- (12) "Court" means an open space, other than a yard, on the same lot with a building.
- (13) "Outer court" means a court extending to a street, alley or required yard.
- (14) "Inner court" means any court other than an outer court.
- (15) "Curb level" means the level of the established curb in front of the building measured in the center of such front.
- (16) "District line" means the boundary line between two zoning districts.
- (17) "Duplex dwelling" means a dwelling for two families occupied by lease or rental, the families living independently of each other and doing their cooking on the premises, provided that no such dwelling shall be erected, reconstructed or converted so that its outer appearance is that of any dwelling besides that of a single-family dwelling, and provided further that the term "duplex" shall not be construed to permit two-family, semi-detached dwellings or row houses.
- (18) "Duplex" means duplex dwelling.
(Ord. 1952-98. Passed 12-17-52.)
- (19) "Dwelling" means any house, building or portion thereof designed for or occupied by one or more beings as a residence; and pertains to a site constructed house or building - see definition for manufactured or factory built structures.
(Ord. 2004-31. Passed 5-24-04.)
- (20) "Family" means any number of persons living together as a single housekeeping unit.
- (21) "Home occupation" means such occupations as dressmaking, preserving, home cooking and a professional occupation of a resident of the premises subject to the limitations of this subsection. Any occupation, activity and/or use is hereby prohibited, nor shall any occupation, activity or use be construed to be permitted or included within the terms "home occupation", "home industry" and "accessory use", when such occupation, activity and/or use is as follows: is injurious, noxious, offensive or detrimental to the neighborhood; is carried on by persons that are not residents of the dwelling on the premises; requires employment of persons a majority of whom are outside of the residing family; generates pedestrian or automobile traffic of clients or associates; involves the use of, or occupies, any other space or any other building besides the main building; requires the use of, or occupies more than one-half of the floor area of one story; involves the use of material or equipment not normally associated with the residential household; involves sale of commodities on the premises or sale of produce not raised on the premises; involves any display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling; involves the use of any commercial sign, any artificially lighted sign or any sign exceeding eight square feet in area and any sign located within the front yard; involves any automobile dismantling or any automobile repair work with vehicular storage on the premises and the streets and alleys in excess of the restrictions of the Residence Districts;

involves any treatment, care, boarding or lodging of epileptics, persons addicted to or recuperating from alcoholism, drug addicts, the insane or the feeble-minded; is used as a funeral home, mortuary or undertaking establishment, laundry, dry cleaning or clothes pressing establishment, convalescing or nursing home, tourist home, massage parlor, barber shop, beauty parlor or similar establishment; violates any restrictions applying to accessory uses in Residence Districts or involves any other occupation, use or activity that is excluded or prohibited or otherwise not permitted in this subsection.

(22) "Hotel" means a public inn in which there are sleeping rooms for more than six persons, without provision for cooking in any individual room or suite.

(23) "Inn" means a place or shelter with sleeping rooms for more than six persons, open to the public for compensation but without provision for cooking in any individual room or suite.

(24) "Lodging house" means an abode, not a public inn, in which sleeping rooms for more than four persons are provided for compensation.

(25) "Lot" means a distinct parcel of land on which a principal building and its accessories are placed, together with the required open spaces, and of which the location, dimensions and boundaries are determined by the latest official record or survey.

(26) "Lot depth" means the mean average distance from the front line to the rear line of a lot or, in the case of corner lots, the average length of the longer sides.

(27) "Lot width" means the mean distance between the side lot lines.

(28) "Nonconforming use" means a use that does not comply with the regulations of this Zoning Code for the district in which it is located.

(29) "Office occupation" means a professional occupation of a resident of the premises such as that of a physician, surgeon or dentist, subject to the same restrictions herein established for the term "home occupation" where such office occupation is conducted within a Residence District.

(30) "Rear building" means any building on the rear of a lot or behind a principal building. No rear building shall be erected, designed, intended or arranged to be used in violation of the restrictions established in Section [1135.04](#) for accessory buildings.

(31) "Setback line" means the building line parallel to the front lot line and located at the foremost portion of the building.

(32) "Street" means a public passageway over twenty feet wide, dedicated, platted and recorded as a street and commonly used for travel.

(33) "Story" means the part of any building between any floor and the floor or roof next above.

(34) "Street or alley line" means the dividing line between the right of way of a street or alley and a lot.

(35) "Structural alterations" means any change in the structural members of a building, such as walls, columns, beams and girders.

(36) "Vacant" means lacking in use or occupation, in whole or in part, by any nonconforming use for a period of one year.

(37) "Front yard" means a space (from the ground up) unoccupied except by steps and extending the full width of the lot between the extreme line of a building and the street line.

(38) "Rear yard" means a space (from the ground up) unoccupied except by steps or an uncovered porch and extending the full width of the lot between the extreme rear line of a building and the rear lot line.

(39) "Side yard" means a space (from the ground up) unoccupied except by steps and extending the full length of a building between the building and the side lot line.

(40) "Zoning Code" means Ordinance 1946-47, passed August 7, 1946, as amended, codified as Title Three of Part Eleven - Planning and Zoning Code.

(Ord. 1952-98. Passed 12-17-52.)

(41) "Monastery" means a residence for persons under religious vows.

(Ord. 1988-27. Passed 3-22-88.)

(42) "Permanent foundation" means permanent masonry, concrete or a locally approved footing or foundation, to which a manufactured or mobile home may be affixed.

(43) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1973" and has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards.

(44) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;

B. The structure excluding an addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) sq. ft.;

C. The structure has a minimum 3:12 residential roof pitch, convention residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

D. The structure was manufactured after January 1, 1995;

E. The structure is not located in a manufactured home park as defined by Section 3733.01 of the Ohio Revised Code.

(45) "Modular home" means a factory built home, constructed to the state, local or regional code where the home is to be located; modules are transported to the site and must be installed on a permanent foundation.

(46) "Pre-cut home" means factory built housing in which building materials are factory-cut to design specifications, transported to the site and assembled; must meet local, state or regional building codes.

(47) "Panelized home" means factory built home in which panels, a whole wall with windows, doors, wiring and outside siding are transported to the site and assembled; must meet state or local building codes.

(48) "Industrial unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or a part of a greater structure, and that requires transportation to the site of intended use - does not include a manufactured home or a mobile home.

(49) "Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or when erected on site, is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or industrial unit as defined in Ohio R.C. 3781.06. (Ord. 2004-31. Passed 5-24-04.)

1131.02 - ENFORCEMENT

(a) It shall be the duty of the person designated or appointed as the Building Officer to enforce this Zoning Code by the grant or refusal of building permits and occupancy authorizations and in accordance with the provisions of this Zoning Code. The Mayor may also require that no permits or authorizations shall be issued by the Building Officer unless countersigned by another person authorized by the Mayor to do so, stating that the same is being issued in accordance with the provisions of this Zoning Code.

(b) Before commencing or proceeding with the erection, construction, enlargement, alteration, repair or removal of any house, building or other structure, or any part thereof, or the use of same after the construction thereof, a permit for such building or structural or repair work or an authorization for such use shall first be obtained by the owner, or his agent, or the occupant thereof, from the Building Officer, and it shall be unlawful to commence or proceed with any such work or use unless such permit has been first obtained.

(c) When a building permit has been issued, the operation called for by it shall be for a term of one year from its date, and at the expiration of such period, a new building permit shall be obtained in the same manner as provided for the original building permit, before such work can proceed further. (Ord. 1952-98. Passed 12-17-52.)

(d) Applications for building permits shall be filed in triplicate upon appropriate forms furnished by the Building Officer, accompanied by a lot or plot plan showing the dimensions of the lot and the location and dimensions of the building. The application shall state the character, use and extent of the building or structure to be erected, and the exact location thereof (including the subdivision name, block number, lot number, street name and number), the contractor employed for building the same, and such other information or data as the Building Officer may require.

The Building Officer shall examine applications for permits within a reasonable time after filing. If after examination, the Building Officer finds no objection to such application and it appears that the proposed work will be in compliance with all laws, ordinances, standards and regulations concerning such work, the Building Officer shall approve such application and issue a permit for the proposed work or other authorization as soon as practicable. If his examination reveals otherwise, he shall reject such application and shall refuse to issue a building permit or other permit, and, when requested, state his findings in a notation concerning such application. If the Building Officer approves such application for a building permit, the Building Officer shall make an entry of such approval upon the application. (Ord. 2005-56. Passed 8-8-05.)

(e) Upon approval of the application herein provided for and upon the payment of the required fees to the City Auditor, a building permit shall be issued to such person or persons to erect such building or structure, and the required fees for issuing each and every permit as aforesaid shall be as specified in Chapter [1305](#) of the Building Code, or as hereafter amended or hereafter required for obtaining a building permit.

(f) After any building or structure has been constructed in accordance with the building permit and the provisions of this Zoning Code, it shall be the duty of the Building Officer to make authorization for occupancy of same, certifying that the building or structure has been constructed in accordance with the building permit and Zoning Code and authorizing the installation of utilities and municipal services and the occupancy of such building or structure. (Ord. 1952-98. Passed 12-17-52.)

1131.03 - BOARD OF ZONING APPEALS

(a) Establishment and Powers. A Board of Zoning Appeals is hereby established to administer the details of the application of the regulations of this Zoning Code and to determine and vary their application in harmony with their general purpose and intent in accordance with the general provisions of this Zoning Code. The Board shall consist of five members, one of whom shall be the President of Council. The other four members shall be citizens of the City, not in the service of the City, who shall be appointed by Council to serve without compensation for a term of one, two, three and four years, with all subsequent terms to be for a four-year period. The President of Council shall be a voting member of the Board. Hearings of the Board shall be public, but any hearing on an appeal case shall be preceded by a notice published not less than six days in advance of such hearing, as provided in Section [123.03](#) of the Administrative Code.

(Ord. 1971-76. Passed 12-8-71.)

(b) Appeals. Appeals to the Board may be taken by any person or by any officer, board or commission of the Municipality affected by any grant or refusal of a building permit or by any other decisions of the Building Officer in regard to the requirements of this Zoning Code. Such appeals shall be filed within thirty days from such ruling upon an appropriate form furnished by the City for an appeal. The Board may, in accordance with the provisions of this Zoning Code, refuse or affirm, wholly or partly, the appeal.

(c) Variations on Lots. The Board shall have the power to grant the projection of any building into a required yard to secure a building or structure practicable in its construction and arrangement or to grant other variations, in the following cases:

(1) Upon an irregular shaped lot having the required area.

(2) Upon a lot of exceptional topography.

(3) Upon an exceptionally narrow, shallow or irregular lot, existing and of record at the time of the passage of this Zoning Code (Ordinance 1946-47, passed August 7, 1946, as amended).

(4) To establish or adjust a district line where it passes through a lot or where the lot layout actually differs from that shown or implied on the Zoning Map. (Ord. 1946-47. Passed 8-7-46.)

(d) Cases of Hardship. Where the strict application of any provision of this Zoning Code would result in undue hardship upon the owner of a specific property, the Board shall have the power to modify or vary such strict application, provided that such modification or variation remains in harmony with the general purpose and intent of this Zoning Code, so that public health, safety, convenience, comfort, prosperity and general welfare will be conserved and substantial justice done. All persons making application for variances shall deposit with the Building Officer a fee of forty dollars (\$40.00) to cover the cost of mailing notices and other expenses involved in a hearing before the Board. (Ord. 2000-16. Passed 2-28-00.)

1131.04 - CITY'S REMEDIES

In case any building or structure or part thereof is or is intended to be erected, constructed, reconstructed, altered, repaired, converted, maintained or used, or any land is or is intended to be used, in violation of this Zoning Code, the City Solicitor, in addition to the remedies herein provided for, is hereby authorized to institute any appropriate action or proceeding in law or equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate such violation.

(Ord. 1946-47. Passed 8-7-46.)

1131.05 - SEVERABILITY

If any section, clause, phrase, word, provision or portion of this Zoning Code is held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect any other section, clause, phrase, word, provision or portion of this Zoning Code. (Ord. 1946-47. Passed 8-7-46.)

1131.06 - CONFLICT OF LAWS

Whenever the provisions of any other statute or ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building, or fewer stories, or a greater percentage of the lot to be unoccupied, or impose other standards higher than are required by the regulations of this Zoning Code, the provisions of such other statute or ordinance or regulation of the City shall govern; otherwise, all ordinances or parts of ordinances inconsistent with this Zoning Code are hereby repealed. (Ord. 1946-47. Passed 8-7-46.)

1131.07 - AMENDMENTS

(a) Referral to City Planning Commission. Council or any officer, board or commission of the City may refer any request or proposal for an amendment, supplement or change in the Zoning Code to the City Planning Commission for report and recommendation. In making such referral, a reasonable time shall be specified by Council so as to give the City Planning Commission sufficient time to hold a public hearing as provided in this section.

(b) Public Hearing. The City Planning Commission shall have the power to hold a public hearing upon such request or proposal for an amendment, supplement or change, such hearing to be preceded by two weeks' notice of the time and place of the hearing published in a newspaper of general circulation in the City and a copy of the notice being posted in the City Hall. If the City Planning Commission elects to hold a public hearing, such hearing shall be held within not more than thirty days of the date of referral by Council or a longer period if so specified by Council.

(c) Recommendation to Council. The City Planning Commission may, upon its own volition, and shall, upon referral by Council, make a report and recommendation to Council concerning the proposed amendment, supplement or change, approving, disapproving or modifying in whole or in part, the proposed amendment, supplement or change. No action by Council shall be made until such amendment, supplement or change has been referred to the City Planning Commission and until its recommendations thereon have been presented to Council.

(d) Action by Council.

(1) Public hearing and notice. Before any ordinance for an amendment or change may be passed, Council shall hold a public hearing thereon and shall give thirty days' notice of the time and place thereof in a newspaper of general circulation in the City.

(2) Text and materials on file. During such thirty days the text or copy of the text of such ordinance for the amendment, supplement or change, together with maps or plans or copies thereof, or referred to in such ordinance, and the maps, plans and reports submitted by the City Planning Commission, shall be on file for public inspection in the office of the City Clerk, or a copy of the text of such ordinance and the report of the City Planning Commission may be on file in the office of the City Clerk for public inspection, and such maps or plans may be on file for public inspection in the office of the City Engineer.

(3) General considerations regarding amendments. In determining what, if any, amendments to this Zoning Code are to be adopted, Council shall give due consideration to the proper

relationship of such amendments to the entire Zoning Code, it being the interest to retain the integrity and validity of the zoning districts herein described and to avoid any isolated spot zoning changes on the Zoning Map. Any amendments adopted by Council may be modified from the form in which they were held by Council for a public hearing within the limits necessary to relate properly such amendment or amendments to this Zoning Code. Final action on such modifications shall be referred to the City Planning Commission for review and report by the Commission prior to final passage by Council. No such ordinance for an amendment, supplement or change which violates, differs from or departs from the plan or report submitted by the City Planning Commission shall take effect unless passed and approved by not less than three-fourths of the full membership of Council. (Ord. 2000-16. Passed 2-28-00.)

1131.99 - PENALTY

The owner or owners or the occupant or occupants of any building, structure, wall, platform, staging, sign, flooring, land or any part thereof which is being erected, constructed, reconstructed, enlarged, altered, repaired or used in violation of the terms hereof, including building permit and/or occupancy authorization requirements, and any architect, building, plumber, carpenter, mason or workman who may be employed or assists in the commission of any such violations, and all other persons or corporations who violate the provisions hereof, including building permit and/or occupancy authorization requirements, or fail to comply therewith or with any requirement thereof, shall, for each and every violation or noncompliance, be fined not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00). Each day during the violation of the provisions hereof, including building permit and/or occupancy authorization requirements, shall constitute a separate and distinct offense to be dealt with as provided herein. (Ord. 1946-47. Passed 8-7-46.)

CHAPTER 1133 - Districts and Regulations

- [1133.01](#) Establishment of districts.
- [1133.02](#) Residence A Districts.
- [1133.03](#) Residence A-1 Districts.
- [1133.04](#) Residence AA Districts.
- [1133.05](#) Residence B Districts.
- [1133.06](#) Residence C Districts.
- [1133.07](#) Agricultural Districts.
- [1133.08](#) Business AA Districts.
- [1133.09](#) Business A Districts.
- [1133.10](#) Business B Districts.
- [1133.11](#) Industrial Districts.

CROSS REFERENCES

Variances - see CHTR. Sec. [120](#); P. & Z. [1131.03](#)

Zoning of annexed areas - see Ohio R.C. 303.25, 519.18

Basis of districts - see Ohio R.C. 713.10

Nonconforming uses - see Ohio R.C. 713.15; P. & Z. [1135.08](#)

Licensing junk yards - see BUS. REG. Ch. [737](#)

Trailer camps located in residential districts - see BUS. REG. [753.09](#), [753.13](#)

1133.01 - ESTABLISHMENT OF DISTRICTS

For the purpose of the provisions and regulations of this Zoning Code, the City is hereby divided into ten classes of districts, as follows:

1. Residence A-1 Districts
2. Residence A Districts
3. Residence AA Districts
4. Residence B Districts
5. Residence C Districts
6. Agricultural Districts
7. Business AA Districts
8. Business A Districts
9. Business B Districts
10. Industrial Districts

The boundaries of these districts are hereby established as shown on the Zoning Map which forms a part of this Zoning Code and is placed on file, for public examination, in the office of the City Engineer. (See Appendix A for a list of changes of the Zoning Map.)

No building or structure shall be erected, reconstructed, enlarged, structurally altered or used, nor shall any land be used, for any purpose except for the "permitted uses" specified for the district in which such building, structure or land is located. However, any use allied to or similar in character to any of the permitted uses for the district, and which is no more injurious, noxious, offensive or detrimental to the neighborhood than the permitted uses for the district, may be authorized in such district by the City Planning Commission after holding a public hearing thereon. Citizen requests to the City Planning Commission shall be in writing and submitted to the Engineering Department; an application fee of forty dollars (\$40.00) is required to cover the cost of mailing notices and other expenses involved in a hearing before the Planning Commission.

No building or structure shall be erected, reconstructed, enlarged or structurally altered either in excess of the height limit or contrary to the area requirements for the district in which such building or structure is located. (Ord. 2000-16. Passed 2-28-00.)

1133.02 - RESIDENCE A DISTRICTS

(a) Permitted Uses.

(1) Single-family detached dwelling.

(2) The leasing of rooms or the taking of boarders, provided that the total number of roomers and boarders does not make the dwelling come within the definition of a lodging house, inn or boarding house. (See Section [1131.01](#) - Definitions.)

(3) Club or nonprofit association, except a club or nonprofit association whose chief activity is a service customarily carried on as a business or a club or nonprofit association with more than four sleeping rooms or six beds.

(4) Church.

(5) Educational use, public library or museum.

(6) Municipal recreational use.

(7) Garden. (Ord. 1946-47. Passed 8-7-46.)

(8) Hospital or sanitarium, but not primarily for the care of persons with mental illnesses or substance addictions.

(Ord. 2005-57. Passed 8-8-05.)

(9) Home occupation or office occupation such as that of physician, surgeon or dentist residing on the premises.

(10) Signs (except illuminated signs) pertaining to the lease or sale of a lot or building and not exceeding eight square feet in area, or signs (except illuminated) pertaining to the name and occupation of the occupant and not exceeding eight square feet in area. Billboards are expressly prohibited in all residential districts.

(11) Accessory use customarily incidental to any of the above uses. The term "accessory use" shall not include:

A. Any use injurious, noxious, offensive or detrimental to the neighborhood.

B. Any use not on the same lot with the building to which it is accessory.

C. Garage space for or storage of an excess of two automobiles per resident family on a lot not over 6,000 square feet in area plus one additional automobile for every additional 3,000 square feet of lot area, or storage of more than one commercial automobile per lot.

D. Sale of produce not raised on the premises.

E. Any use which is not permitted in the above-mentioned provisions.

(Ord. 1946-47. Passed 8-7-46.)

(12) Monastery.

(Ord. 1988-27. Passed 3-22-88.)

(b) Height Limit. Thirty-five feet or two and one-half stories, whichever is greater.

(c) Area and Occupancy Requirements.

(1) Front yards. A minimum distance of either twenty feet to the right of way of any street or the average distance of the buildings on the same side of the street within the same block, whichever is the greater. (See Section [1135.02](#) for corner lots.)

(2) Side yards. A minimum sum of the distances to the side lot lines of twenty percent (20%) of the width of the lot or ten feet, whichever is less, but the minimum distance to any side lot line shall be not less than four feet and the minimum distance between buildings shall be not less than ten feet.

(3) Rear yards. A minimum distance of forty feet to the rear lot line.

(4) Courts. A minimum width of eight feet and a minimum area of 120 square feet.

(5) Lot occupancy. A maximum lot occupancy of thirty percent (30%) by buildings, subject to the provisions of Section [1135.04](#) for accessory buildings.

(6) Population density. Eight families per acre (maximum). (Ord. 1946-47. Passed 8-7-46.)

1133.03 - RESIDENCE A-1 DISTRICTS

(a) Permitted Uses.

(1) Any use permitted in Residence A Districts.

(2) One, two and multi-family dwellings.

(b) Minimum Lot Area. No less than 5,000 square feet, provided that multi-family dwellings shall have at least 3,750 square feet.

(c) Minimum Yards.

(1) Front yards. A minimum distance of twenty feet to the right-of-way line of any street or the average distance of the building on the same side of the street within the same square, whichever is the greater.

(2) Side yards.

A. One or two-family dwellings shall have a minimum distance of five feet to the side lot line, with a minimum distance between buildings of ten feet.

B. Multi-family dwellings shall have the lesser of one-half the height or one-half of the depth of the building.

(3) Rear yards.

A. One or two-family dwellings shall have twenty percent (20%) of the lot depth.

B. Multi-family dwellings shall have the lesser of the height or one-half of the width of the building.

(d) Maximum Lot Coverage. Thirty percent (30%) of the lot area.

(e) Maximum Building Heights. Two and one-half stories or thirty-five feet, whichever is the greater.

(f) Off-Street Parking.

(1) One or two-family dwellings shall have one parking space per dwelling unit.

(2) Multi-family dwellings shall have one and one-fourth parking spaces per dwelling unit.

(g) Population Density. No more than twelve families per acre.

For the purposes of this section, one parking space shall be construed to mean not less than 150 feet of space of such shape and accessibility as to be usable for storage of one automobile off from the street system. (Ord. 1964-27. Passed 3-25-64.)

1133.04 - RESIDENCE AA DISTRICTS

In a Residence AA District the regulations of Section [1133.02](#) for Residence A Districts shall apply, except that no building or structure shall be erected for a population density of more than four families to one acre. (Ord. 1946-47. Passed 8-7-46.)

1133.05 - RESIDENCE B DISTRICTS

(a) Permitted Uses.

(1) Dwelling.

(2) Any other use permitted in a Residence A District.

(3) Office of physician, surgeon or dentist.

(4) The following uses may also be permitted if their location is first approved by the City Planning Commission:

A. Large scale neighborhood housing projects, provided that they comply with all the yard requirements on the boundary of the property and with the height and lot area regulations of the district or zone in which they are located.

B. Playfield or related use not primarily for gain.

C. Telephone exchange substation.

(b) Height Limit. Same as in Residence A Districts.

(c) Area and Occupancy Requirements.

(1) Front yards. A minimum distance of either fifteen feet to the right of way of any street or the average distance of the buildings on the same side of the street within the same block, whichever is the greater. (See Section [1135.02](#) for corner lots.)

(2) Side yards. A minimum sum of the distances to the side lot lines of twenty percent (20%) of the width of the lot or eight feet, whichever is less, but the minimum distance to any side lot line shall be not less than three feet and the minimum distance between buildings shall be not less than eight feet, provided that there is one additional foot in each side yard for each family in excess of one family on the lot.

(3) Rear yards. A minimum distance of thirty feet to the rear lot line.

(4) Courts. A minimum width of eight feet and a minimum area of 120 square feet.

(5) Lot occupancy. A maximum lot occupancy of forty percent (40%) by buildings, subject to the provisions of Section [1135.04](#) for accessory buildings.

(6) Population density. Twelve families per acre (maximum), except for apartment houses. (Ord. 1946-47. Passed 8-7-46.)

1133.06 - RESIDENCE C DISTRICTS

(a) Permitted Uses.

(1) Dwelling.

(2) Any other use permitted in a Residence B District.

(Ord. 1946-47. Passed 8-7-46.)

(3) A permanently sited manufactured, modular or pre-cut home used as a residence and titled as real property. (Ord. 2004-31. Passed 5-24-04.)

(b) Height Limit. Forty-five feet or three and one-half stories, whichever is the greater.

(c) Area Requirements.

(1) Front yards. The minimum distance shall be the average distance of the buildings on the same side of the street within the same block. (See Section [1135.02](#) for corner lots.)

(2) Side yards. A minimum distance of three feet to the side lot line or six feet between buildings for the first family plus one additional foot in the distance to the side lot line or two additional feet between buildings for each additional family.

(3) Rear yards. A minimum distance of twenty-five feet to the rear lot line.

(4) Courts. A minimum width of eight feet and a minimum area of 120 square feet for the first two stories plus one foot additional width and thirty-three square feet additional area for each additional story.

(5) Population density. Eighteen families per acre (maximum), except apartment houses.

(6) Lot occupancy. A maximum lot occupancy of forty percent (40%) of a lot by the principal building, subject to the provisions of Section [1135.04](#) for accessory buildings.

(Ord. 1946-47. Passed 8-7-46.)

1133.07 - AGRICULTURAL DISTRICTS

(a) Permitted Uses.

(1) Any use permitted in a Residence A District, subject to subsection (c) hereof.

(2) Farming, forestry, dairying or uses incidental thereto, subject to subsection (c) hereof. (Ord. 1946-47. Passed 8-7-46.)

(3) One mobile home, occupied by the owner, may be located on no less than one acre of land, if the wheels have been detached and the home installed on a permanent foundation. (Ord. 2004-31. Passed 5-24-04.)

(b) Height Limit. Same as in Residence A Districts.

(c) Area Requirements.

(1) Minimum yards. Same as in Residence A Districts, except that buildings and uses which are not permitted in a Residence A District or which are injurious, noxious, offensive or detrimental in a Residence A District shall not be located or constructed nearer than 250 feet to the side or rear lot line or 150 feet to the right of way of any street.

(2) Courts. Same as in Residence A Districts.

(3) Population density. Not more than one family to one acre. (Ord. 1946-47. Passed 8-7-46.)

1133.08 - BUSINESS AA DISTRICTS

(a) Permitted Uses.

(1) Any use permitted in any Residence District.

(2) Retailing of groceries, foods, druggist supplies, clothing and general merchandise, but not alcoholic beverages for consumption either on or off the premises. (Ord. 1951-101. Passed 10-17-51.)

(3) Credit service organization, loans on motor vehicle title business, or other similar business as regulated by the State of Ohio pursuant to Ohio R.C. 4712.01 through 4712.99 and the number of such businesses shall not exceed one per every 7,500 of the population of the City and must be located at minimum 2,500 feet from another such business, school or government building. (Ord. 2017-16. Passed 3-13-17.)

(b) Height Limit. Same as in Residence C Districts.

(c) Area Requirements.

(1) Front yards. A minimum distance of fifteen feet to the right-of-way line of any street or the average distance of the buildings on the same side of the street within the same square, whichever is greater.

(2) Side yards. A minimum distance of three feet to the side lot line except where the side lot line is between two parcels devoted to commercial use.

(3) Rear yards. Loading or parking space of not less than twenty feet from the rear lot line.

(4) Courts, population density and lot occupancy. The provisions of Residence C Districts shall govern for dwellings in Business AA Districts.

(d) Off-Street Parking Requirements. In each Business AA District there shall be provided garage or off-street parking space when new buildings are hereafter erected or when a residential building is hereafter converted, in whole or in part, to a commercial use, together with the means of ingress and egress thereto, such garage or off-street parking space to have the following capacity for the following uses:

Single-family dwelling -one parking space per dwelling unit.
Two-family dwelling -one parking space per dwelling unit.
Multi-family dwelling -two parking spaces per three dwelling units.
Leasing of rooms or taking
of roomers or boarders as
permitted in a Residence
District -one parking space per four rooms.
Hospital -one parking space per four beds.
Church, meeting place,
such as permitted in a
Residence District -one parking space per ten seats.
Retail establishment. -one parking space per 200 square
feet of floor space but one
parking space per 100 square feet
of floor space where food or non-
alcoholic beverages are served.

For the purposes of this section, one parking space shall be construed to mean not less than 150 square feet of space of such shape and accessibility as to be usable for storage of one automobile off from the street system. (Ord. 1951-101. Passed 10-17-51.)

1133.09 - BUSINESS A DISTRICTS

(a) Permitted Uses.

- (1) Any use permitted in any Residence District.
- (2) Bank, office building, telephone exchange.
- (3) Retailing of groceries, foods, druggist supplies, clothing, general merchandise.
- (4) Automobile service establishment to service automobiles, to store automobiles (except for sales purposes), or to make repairs (except for body and fender work or painting of automobiles).
- (5) Personal services, such as barber shop, funeral home, laundry collection or dry cleaning collection office, beauty salon or other personal service not employing more than six operatives and not prohibited anywhere in this section.
- (6) Provisions of lodging or food, such as hotel, inn, boarding or lodging house, bakery employing not over four bakers and already operating at the time of the passage of this Zoning Code (Ordinance 1946-47, passed August 7, 1946, as amended) soda fountain or restaurant, but not including a road house, dance hall, night club or commercial summer garden.
- (7) Theater or motion picture establishment.
- (8) Commercial greenhouse or nursery.
- (9) Signs pertaining to the name and occupation of the owner or occupant of the establishment, without limit to size.

(b) Height Limit. Same as in Residence C Districts.

(c) Area Requirements. In a Business A District buildings shall be subject to the provisions for Residence C Districts for front yards. The following area requirements shall also apply:

- (1) In a Business A District hereafter created or in a Business A District containing no buildings at the time of the passage of this Zoning Code (Ordinance 1946-47, passed August 7,

1946, as amended), space shall be provided off the street for parking of automobiles along the front of the building, and additional space shall be provided for loading and unloading of trucks, which space shall be readily accessible to the street system.

(2) In a Business A District that does not extend over 200 feet from a street intersection, the front yard regulations of the adjacent residential area shall apply, except that buildings in a Business A District shall not be required to set back more than fifteen feet from the property line.

(Ord. 1946-47. Passed 8-7-46.)

1133.10 - BUSINESS B DISTRICTS

(a) Permitted Uses.

(1) Any use permitted in any Residence District.

(2) Any use permitted in any Business A District.

(3) Any retail or service establishment or personal service (except as prohibited anywhere in this section), bottling works, electric power substation, electric power or contractor's materials or equipment storage yard.

(4) Provision of lodging, food, beverage or amusement or meeting place.

(5) Wholesale establishment or warehouse.

(6) Light manufacturing (except as prohibited anywhere in this section).

(7) Advertising signs.

(b) Prohibited Uses.

(1) Any use or classification of uses prohibited in an Industrial District or subject to regulation or approval of the Board of Appeals as to building or occupancy permits in an Industrial District.

(2) Storage involving hazards, such as bulk station; storage of gasoline or oil above-ground (in quantities exceeding 150 gallons).

(3) Storage involving dust or odors such as coal yard (except where dust-controlling containers are used); poultry house.

(4) Junk yards involving storage, bailing or treatment of junk, dismantled automobiles, old iron, rags, bottles or scrap paper.

(5) Manufacture, production or processing of building materials, metals, stone or related products causing the emission of dust, fumes, smoke, vibration, noise, odors or hazards, such as lumber mills, enameling, japanning or lacquering works (except as an incidental use) metal-working shops operating reciprocating hammers or other noise-producing machine-operated tools (except as a minor incidental use), and stone or monument works (using power-driven tools or rock crushers).

(6) Any other trade, industry or use that is injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, water-borne waste, vibration or noise or other cause, but not involving theaters or other public meeting places.

(c) Area Requirements. In a Business B District, dwellings shall be subject to the provisions for courts of dwellings in Residence C Districts. (Ord. 1946-47. Passed 8-7-46.)

1133.11 - INDUSTRIAL DISTRICTS

(a) Use Regulations. In an Industrial District, buildings and land may be used for any purpose not prohibited in this section and not in conflict with any ordinance of the City governing nuisances, provided that no building or occupancy permit shall be issued for any use of the

following classes of uses unless such use shall have been approved by the Board of Zoning Appeals:

(1) Manufacture or processing of products causing the emission of obnoxious dust, fumes, smoke, odors or hazards, such as:

A. Asbestos, brick, cement, creosote, linoleum, paint, sandpaper, tar or asphalt roofing, rock crushing or other such building materials;

B. Acids, alcohol, bleaching powder, chlorine, lampblack, disinfectants, insecticides or other such chemicals or fuels;

C. Reduction, smelting or corrosion of ores or metals;

D. Pulp or paper manufacture;

E. Rubber, oilcloth, felt, wool pulling or scouring, or other such fabrics or cloth materials, or processes;

F. Other equally obnoxious processes.

(2) Stock yards.

(3) Manufacture or processing of foods or household articles causing the emission of obnoxious dust, smoke, fumes or odors, such as sauerkraut, soap, soda ash, caustic soda, starch, glucose, dextrine, sugar, vinegar, yeast, packing plant or other equally obnoxious articles and processes.

(4) Processes or uses involving considerable hazards, such as excelsior or fiber manufacture, match manufacture, explosives or fireworks manufacture, or storage or loading of explosives in bulk.

The Board of Zoning Appeals shall have the power to grant any use of the above classes of uses (for which the approval of the Board is required) but only within the Industrial Districts, and the Board may require the installation, operation and maintenance, in or in connection with the proposed use, of such devices and/or such methods of operation as may, in the opinion of the Board, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water-carried waste, noise, vibration or similar nuisances, and may impose such conditions regarding the extent of open spaces between it and surrounding properties as will tend to prevent or reduce the injury which might result from the proposed use to the surrounding properties and neighborhood.

(Ord. 1946-47. Passed 8-7-46.)

(b) Prohibited Uses. The following trades, industries or uses are prohibited:

(1) Abattoir; slaughter house, except: 1.192 acres, being parts of Lots No. 9 and 10 of the Clingman Addition, such portions of lots being east of the Floodwall and west of the Norfolk & Western Railway, in the First Ward.

(2) Fat rendering; tallow, grease or lard rendering; candle making.

(3) Fertilizer manufacture.

(4) Glue or size manufacture.

(5) Incineration, reduction or dumping of offal, dead animals, garbage or refuse on a commercial basis, or loading and transfer platforms therefor, except under municipal control.

(6) Sewage disposal plant (except municipal).

(7) Corrosive acid manufacture.

(8) Tanning, curing or dressing of raw or green salted hides.

(9) Wood or bone distillation.

(Ord. 1977-145. Passed 8-23-77.)

(c) Area Requirements. In an Industrial District, the area requirements for Business B Districts shall apply. (Ord. 1946-47. Passed 8-7-46.)

CHAPTER 1135 - General Provisions

[1135.01](#) Exceptions to height limits; projections; signs.

[1135.02](#) Corner lots.

[1135.03](#) Required open space.

[1135.04](#) Accessory buildings and rear dwellings.

[1135.05](#) Fences, hedges and shrubbery.

[1135.06](#) Through lots; reversed frontage.

[1135.07](#) Farming.

[1135.08](#) Nonconforming uses.

CROSS REFERENCES

Building line compliance - see S.U. & P.S. [901.02](#)

Projections into public ways - see S.U. & P.S. [901.17](#)

Porticos - see S.U. & P.S. [901.19](#)

Awnings and signs - see S.U. & P.S. [905.04](#)

1135.01 - EXCEPTIONS TO HEIGHT LIMITS; PROJECTIONS; SIGNS

Churches, hospitals and public schools may exceed the height limit for the district in which such building is located. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire walls, skylights, towers, steeples, roof signs, flag poles, chimneys, smokestacks, wireless masts, water tanks, silos or similar structures may be erected above the height limits herein prescribed, but no roof structure or penthouse or any other space above the height limit shall be allowed for the purpose of providing usable floor space.

(Ord. 1946-47. Passed 8-7-46.)

1135.02 - CORNER LOTS

The area regulations concerning front yards in the Residence Districts shall prevail along that street which the narrow end of the lot faces, but in regard to the yard along the longer side of the lot, the minimum distance from the building on a lot narrower than fifty feet to the side street may be reduced to sixty percent (60%) of the required specified front yards within the district in which such lot is located.

(Ord. 1946-47. Passed 8-7-46.)

1135.03 - REQUIRED OPEN SPACE

(a) Minimum Open Space for Yards. No lot shall be so reduced that any of the open spaces are smaller than prescribed in this Zoning Code. No yard or other open space required for a building shall, during the life of such building, be occupied by or counted as open space for another building on the same or adjoining lot. Where there are two or more buildings used for dwelling purposes on the same lot, there shall be provided around each building not less than the required minimum yard spaces as if each building were located on a separate lot.

(b) Front Yards in Areas Predominantly Occupied by Residences. In any Business or Industrial District where a building is, or is to be, located on a lot in an area predominantly occupied by residences, such building shall not be erected, enlarged or extended nearer to the street than the existing building line, which is hereby defined for the purposes of this subsection

as the average distance of the buildings from the right of way of the street on the same side of the street for a distance of two occupied lots from each side of the subject lot. The term "area predominately occupied by residences" shall be construed to be an area within the same block and having dwellings upon more than fifty percent (50%) of the occupied lots.

(c) Side Yards Next to Lots Occupied by Residences. In any Business District, no building shall be erected, enlarged or extended so as to project nearer to the lot line of a lot occupied by a residence than the minimum distance prescribed for the nearest Residence District, nor shall such building be located nearer to a residence on an adjoining lot than the minimum distance prescribed for the nearest Residence District. Where the residence on the adjacent lot is nearer to the lot line than the minimum distance prescribed for the nearest Residence District, the required distance between the residence and the subject building may be reduced accordingly by permission of the City Planning Commission after holding a public hearing.

(d) Required Off-Street Vehicular Parking and Loading Spaces. No building or structure shall be erected, constructed, reconstructed, altered, converted, enlarged or extended except where, in addition to other requirements of this Zoning Code, there is provided at the time of such erection or other work off-street parking space (or garage space) and off-street loading space for automobiles and vehicles as required in this subsection, as follows:

(1) Required automobile and vehicular parking spaces.

A. Required off-street parking space per dwelling in Residence A and Residence AA Districts: one parking space per dwelling unit.

B. Required off-street parking space per dwelling in Residence B Districts:

Single-family dwelling; One parking space.

Two-family dwelling; Two parking spaces.

Other dwelling; Two parking spaces per three families or apartment units or fraction thereof.

Such spaces shall be provided on the same lot with the dwelling.

C. Required off-street parking space per dwelling in Residence C Districts:

Single-family dwelling; One parking space.

Two-family dwelling; Two parking spaces.

Other dwelling; Two parking spaces per four families or apartments units or fraction thereof.

Such spaces shall be provided on the same lot with the dwelling or within 400 feet thereof.

D. Required off-street parking space in Residence Districts for other purposes:

Tourist home; One parking space per four beds.

Leasing of rooms or taking of boarders as permitted in a Residence District; One parking space per four beds; One parking space per four boarders.

Community building, club or nonprofit association; One parking space per eight seats.

Hospital; One parking space per four beds.

Church, meeting place such as permitted in a Residence District; One parking space per ten seats.

Nonconforming business establishment; One parking space per 100 square feet of floor space.

Such spaces shall be provided on the same lot with the building.

E. Required off-street parking space in Business AA Districts:

Single-family dwelling; One parking space.

Two-family dwelling; Two parking spaces.

Other dwelling; Two parking spaces per three families or apartment units or fraction thereof.

Leasing of rooms or taking of boarders as permitted in a Residence District; One parking space per four beds; one parking space per four boarders.

Community building club or nonprofit association; One parking space per eight seats.

Hospital; tourist home; One parking space per four beds.

Retail establishment; One parking space per 200 square feet of floor space but one parking space per 100 square feet of floor space where food or beverages are served.

Such spaces shall be provided on the same lot with the building.

F. Required off-street parking space in other business districts: the provisions for subsections C. and D. above shall apply but such spaces may be provided within 400 feet of any nonresidential establishment.

Bowling alley; Two parking space for each alley.

Drive-in businesses in which persons are served in cars shall provide adequate off-street parking spaces.

Funeral home or mortuary; Six parking spaces.

Theater, meeting hall; One parking space per ten seats.

Employees parking; One parking space per twelve employees.

Auditorium, gymnasium, stadium, church; One parking space per ten seats.

(A church shall be allowed joint parking with any building not normally open, used or operated during the principal operating hours of such church, provided a legal instrument executed by the parties concerned is submitted to the Building Officer.)

Hotel, apartment hotel, club house or any similar establishment; tourist

Home; One parking space per four beds.

Dancing, exhibition, labor temple, lodge hall, skating rink or other assembly

Hall; One parking space per 120 square feet of floor area.

Bank, clinic, business or professional office, welfare institution or any other similar use Or establishment; One parking space per 400 square feet of floor area.

Hospital, convalescent home or any other similar use; One parking space per four beds.

Any eating or drinking establishment or any similar use; One parking space per 200 square feet of floor area.

Any retail store, except a food market; One parking space per 600 square feet of floor area.

Any food market establishment or any similar use with a gross floor area of less than 2,500 square feet; One parking space per 250 square feet of floor area.

Same with gross floor area in excess of 2,500 square feet:

For the first 2,500 square feet; Ten parking spaces.

For each additional 100 square feet; One parking space.

Any manufacturing, processing or other use as permitted within the district of a similar nature; One parking space per 500 square feet of floor area.

Wholesaling, warehouse or storage building; One parking space per 500 square feet of floor area.

Laundromat, launderette, washerette, washeteria, self-service laundry or similar use; One parking space per two washing machines.

Motel, tourist court or similar use; One parking space per living or sleeping unit.

Gasoline, oil or lubricating service station, motor vehicle service or repair

Establishment; One parking space per 1,000 square feet of gross plot area.

Automobile washing or cleaning establishment or similar use; One parking space
Per 600 square feet of floor area

Trailer camp or park as permitted in the district - space on same tract for one car per trailer plus the trailer.

Such spaces shall be provided on the same lot with building or within 800 feet thereof.

G. Required off-street parking space in Industrial Districts:

The provisions for subsections D., E. and F. above shall apply but such spaces may be provided within not more than 800 feet of the subject building.

For purposes of this section, one parking space shall be construed to mean not less than 150 square feet of space of such shape and accessibility as to be usable for parking and storage of one automobile or vehicle with means of ingress and egress from and to the street system. (See also subsection (d)(3) D. hereof.)

(2) Required loading space, off-street. There shall hereafter be provided at the time of the erection of any main building or structure, or at the time any main building or structure is enlarged or increased by major structural alterations equal to more than fifty percent (50%) of the capacity of the original building or structure, in any district, permanently maintained off-street loading space for the following uses:

For every hospital, institution, hotel, commercial or manufacturing building or use which has a lot area of 7,500 square feet or more and abuts upon a street and alley or upon two or more streets, there shall be provided one permanently maintained off-street loading space of not less than ten feet in width, twenty-five feet in length and fourteen feet in height for each 7,500 square feet or fraction thereof of lot area upon which such building or use of land is located.

(3) General requirements.

A. All ingress and egress to off-street parking space and off-street loading space shall be made through driveway cuts or openings of not more than twenty-four feet in width. Where more than one driveway is provided, there shall be a safety island between driveways of not less than

ten feet in width. No driveway opening shall be located within less than ten feet of the intersection of any two street property lines.

B. All off-street parking space and off-street loading space shall be properly maintained in such a manner as to permit them to be used at all times.

C. Any required interior side yard or rear yard in any district may be used for off-street parking space and off-street loading space, but this requirement shall not be construed to permit construction of garages or other accessory buildings within fifteen feet of any dwelling. An exception to this rule is the case where a garage is part of a residence.

D. In a Business B or Industrial District, where a group of owners or their lessees have entered into a joint arrangement and submitted an executed legal instrument therefor with the Building Officer for the use of a parcel or tract jointly for off-street parking and where, in the opinion of the City Planning Commission, such joint arrangement is an adequate substitute for the enforcement of the requirements of subsection (d)(1) F. hereof, then such owners and/or lessees may operate such joint off-street parking facility in lieu of each owner or lessee being required to comply separately with subsection (d)(1) F. hereof. (Ord. 1952-98. Passed 12-17-52.)

1135.04 - ACCESSORY BUILDINGS AND REAR DWELLINGS

On a lot containing a dwelling, except an apartment or tenant house or hotel, a building for accessory use may be erected and may occupy not over fifty percent (50%) of the rear yard of such dwelling; an accessory building behind an apartment dwelling shall not cause the rear yard to be reduced below the minimum size required by this Zoning Code. No accessory building shall be erected so as to project nearer to the street line than the minimum distance allowed for any principal building. No accessory building, and no building other than the principal building, shall be erected so as to exceed one and one-half stories or sixteen feet in height. No building shall be erected, designed, intended or arranged to be used for living or dwelling purposes where such building is located, or to be located, on or within not more than forty feet from the rear lot line or within the minimum prescribed rear yard or otherwise behind the principal building, except on a corner lot fronting upon two intersecting streets where such corner lot is of sufficient size so that the lot occupancy and yard and other open area requirements are complied with. No nonconforming building in the rear of the principal building or on the same lot or in the required rear yard area of a lot shall hereafter be repaired, improved or extended except by permission of the City Planning Commission, where such building has deteriorated to an extent of more than fifty percent (50%) of its fair value or where, in the opinion of the City Planning Commission, such period of time has elapsed since its construction to allow for its amortization.

Fences and small incidental structures used for children's recreation shall not be subject to the requirements for the principal building or the accessory building, but no "spite fence" shall be erected or maintained. For the purposes of this Zoning Code, a "spite fence" is any fence of such height or character as to block access of light and air to any ground floor window or upper window or to interfere with the reasonable use of a person's property. In any case, no fence shall be erected higher than six feet.

Accessory buildings, except for a garage built into, or made a structural part of, a dwelling, shall be located only in the rear yard and within a minimum distance of two feet from the rear lot line and within a minimum distance of fifteen feet from the principal building and, unless connected with the garage of a neighboring lot by a fire wall, shall be located within a minimum distance of two feet from the side lot line, but in no case less than four feet from any other building unless provided with a fire wall. (Ord. 1983-26. Passed 4-26-83.)

1135.05 - FENCES, HEDGES AND SHRUBBERY

No fence or wall serving the purpose of a fence shall be constructed of such height and in such a location (in front or side yard) as to interfere with the safety of vehicular traffic in the streets. Hedges and shrubbery on corner lots shall be subject to the same regulations as those for fences.

(Ord. 1946-47. Passed 8-7-46.)

1135.07 - FARMING

No farming or the keeping of live stock or poultry (except gardens) shall be conducted or operated within the front yards or side yards required by this Zoning Code for principal buildings. No farming shall be conducted in any district in violation of the provisions of this Zoning Code or without conforming to the requirements of the City Board of Health as established by law or ordinance regarding operations or conditions governed by such Board.

(Ord. 1946-47. Passed 8-7-46.)

1135.08 - NONCONFORMING USES

(a) Continuation, Re-establishment, Change, Extension. Any lawful building or use of a building or land at the time of the passage of this section (Ordinance 1952-98, passed December 17, 1952), may be continued, although the use of such building or land does not conform to the regulations of the district in which such use is maintained. No nonconforming use may be re-established in any vacant building or on any vacant land where such nonconforming use has been abandoned or discontinued for a period of at least one year except by permission of the City Planning Commission after holding a public hearing.

An existing nonconforming use of a building, structure or land may be changed to another nonconforming use that is of the same or more restricted classification and is not objectionable to the neighborhood, but no building, structure or land in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use. A nonconforming use of a building, structure or land shall not be expanded or extended into any other portion of such conforming building, structure or land except by permission of the City Planning Commission after holding a public hearing.

The terms "abandoned" and "discontinued" as used in this subsection shall not be construed to prevent the re-establishment of a nonconforming use in a vacant building or upon vacant land where the owner, through no fault of his own, was legally prevented from exercising such use.

(b) Temporary Uses. Temporary permits for quarries, gravel or sand pits, or for nonconforming buildings or uses incidental to the neighborhood, may be granted by the Board of Zoning Appeals to terminate after an initial period of not more than two years. They may, however, be ordered renewed for a successive period of not more than one year each.

(c) Restoration After Fire or Other Calamities. Any nonconforming building or structure damaged by fire, explosion, flood, riot or act of God may be reconstructed and used as such before any such calamity, provided the building or structure has not been destroyed to an extent more than sixty percent (60%) of its fair value at that time, and provided such reconstruction takes place within twelve months after the calamity. However, wherever any building or structure so damaged in excess of sixty percent (60%) was standing on a lot existing and of record at the time of the passage of this section (Ordinance 1952-98, passed December 17, 1952) and not conforming to the area or height regulations of the district in which such building or structure was located, such building or structure may be rebuilt. (Ord. 1952-98. Passed 12-17-52.)

APPENDIX A - ZONING MAP CHANGES

Ord. No. Date Description

1946-87 12-4-46 Property on east and west sides of Argonne Rd. in the Arlington Addition, from Residence B to Business B District.

1948-51 6-2-48 Property on north side of Fourth St. in the Peck, Bond and Sinton Addition, from Residence C to Business B District.

1949-6 1-5-49 (a) Approximately 43.74 acres of Porter Twp. from an Agricultural to an Industrial District.

(b) Property on north side of Fourth St. in the Peck, Bond and Sinton Addition, from Residence C to Business B District.

1949-21 3-16-49 (a) Property in the Zaph Addition, from Residence A to Residence B District.

(b) Property on north side of Fourth St. in the Peck, Bond and Sinton Addition, from Residence C to Business B District.

1949-78 10-5-49 Approximately 1.38 acres in Fractional Sec. 8, Twp. 2, Rg. 20, from Business A to an Industrial District.

1950-37 5-3-50 Property of Rose Ridge Addition No. 1, from a Residence A to Business A District.

1950-44 6-7-50 (a) Property on both sides of Waller St. in the Eli Kinney Addition, from Residence C to Business B District.

(b) Property on east and west sides of Kendall Ave., from Residence B and C to Business A District.

1951-36 5-2-51 Property in Peck, Bond and Sinton Addition, from Residence C to Business A District.

1951-101 10-17-51 Property on south side of Thomas Ave. in the Eastwood Addition, from Residence B to Business AA District.

1952-90 11-19-52 (a) Property on east and west sides of Kendall Ave., from Residence B to Business A District.

(b) Property on east side of Harding Ave. in the Glendale Addition, from an Agricultural and Residence B to a Business A District.

(c) Property on south side of Fourth St. in the Canal Addition, from Residence C to Business B District.

1952-98 12-17-52 (a) Property on south side of Seventeenth St., between Persimmon Alley and a point west of Kendall Ave., from Residence B to Business A District.

(b) Property on south side of Seventeenth St., between the Linden Addition and a point east of Kendall Ave., from Residence B to Business A District.

(c) Property on north side of Third St. in Canal Addition and property in the Peck, Bond and Sinton Addition, from Residence C to Business A District.

(d) Approximately 8.664 acres in Sec. 1, Twp. 1 north, Rg. 21 west, from Residence A to Residence B District.

(e) Property in Sec. 9, Twp. 1 north, Rg. 21 west, from Residence AA to Residence B District.

(f) Approximately .75 acre on south side of Twenty-fifth St., from Residence AA to Business AA District.

(g) Property in Fractional Sec. 5, Twp. 1 north, Rg. 21 west, from Residence A to Residence B District.

(h) Property on the east side of Scioto Trail and in the Mount Peerless Addition, from Residence A to Residence B District.

1953-25 3-18-53 (a) Property beginning and terminating at the intersection of the first alley north of Third St. with the first alley west of Washington St., from Residence C to Business B District.

(b) Property beginning and terminating at the intersection of the east line of Market St. with the north line of Seventh St., from Residence C to an Industrial District.

1953-35 4-22-53 (a) Property beginning and terminating at the northeast corner of Scioto Trail and twenty-second St., from Business A to Business B District.

(b) Property beginning and terminating at the center line of Buskirk Alley in the east line of Waller St., from Residence C to Business B District.

1954-17 2-10-54 Property beginning and terminating at a point in the west line of Scioto Trail north of Clare Ave., from Residence B to Business A District.

1954-101 7-14-54 Property on east side of Scioto Trail in Hermann Allotment and Boulevard Heights Addition, from Residence A to Business A District.

1954-130 9-8-54 (a) Annexed property in the Scioto View First Allotment, to Business B District.

(b) Approximately 8.365 annexed acres in Sec. 5, Twp. 1 north, Rg. 21 west, to Residence B District.

(c) Approximately 35.88 annexed acres in Sec. 4, Twp. 1 north, Rg. 21 west, to Residence A District.

1955-135 11-14-55 Annexed property on east side of Argonne Rd. in Arlington Addition, from Residence B to Business B District.

1959-7 1-19-59 (a) Annexed property in the Barr Addition, to Business B District.

(b) Annexed property in the Barr Addition, to Business B District.

(c) Annexed property in the Board of Trade Addition, to Business B District.

1959-27 4-6-59 Property on west side of Offnere St., from Residence B to Business B District.

1960-35 6-6-60 Property in Northern Addition and .35 unplatted acre, from Residence B to Business B District.

1961-66 10-23-61 (a) Property on north side of Eighth St. in the Barr Addition, from Residence C to Business B District.

(b) Property fronting on Twelfth St. in the Turley Addition, from Residence C to Business A District.

1962-36 5-10-62 (a) Property on east side of Harrisonville Ave., in Homewood Addition, from Residence B to Business A District.

(b) Property on west side of Chillicothe St. in the Solomon Noel Subdivision, from Residence B to Business A District.

1962-75 8-23-62 Property on north side of Robinson Ave. in Lawson Subdivision from Residence C to Business B District.

1963-62 5-9-63 Property on the west side of Chillicothe St. in the Arlington Addition, from Residence B to Business B District.

1964-10 2-12-64 (a) Property in the Armstrong Suburban Addition, from Residence C to Business B District.

(b) Property in the Arlington Addition, from Residence B to Business B District.

1964-27 3-25-64 (a) Property in the W. Barber Addition and Lodwick Addition, from Residence C to Business B District.

(b) Approximately 4.04 unplatted acres north of North Hill Rd. and east of Sheridan Heights Addition, from Residence A to Residence A-1 District.

1964-53 6-24-64 Property on north side of Eighth St. in the Barr Addition, from Residence C to Business B District.

1965-110 7-28-65 (a) Property fronting on Robinson Ave. in the Skelton (Bryan) Addition, from Business A to Business B District.

(b) Property on south side of Robinson Ave. in the Board of Trade Addition, from Residence C to Business B District.

1966-15 2-14-66 Property in the Pursell Addition and the Finney Subdivision, from Residence C to Business B District.

1967-80 5-11-67 Property in Lots 584 and 599 of the Subdivision of Outlots 24, 25, 31, 32 and 33, from Residence C to Business B District.

1967-148 9-28-67 Property beginning and terminating at the northeast corner of a tract owned by Horner, from Residence B to Business B District.

1967-163 11-16-67 (a) Annexed property in Glen Acres Addition Nos. 1 and 2, to Residence B District.

(b) Approximately 25.656 acres of annexed property in the Indian Hills Subdivision, to Residence A District.

(c) Approximately 41.191 acres of annexed property beginning and terminating at the intersection of the east line of Sec. 8, Twp. 2, Rg. 20 and the north right-of-way line of Route 140, to Residence B District.

1969-42 5-1-69 Woodland Hts. Addition No. 1 (Sciotoville), from Agricultural to Residence B District.

1969-43 5-1-69 Property on the east side of Scioto Trail, between Twenty-ninth St. and Coles Blvd., from Residence A to Business B District.

1969-85 8-14-69 Newly annexed 1.734 acres, Hawthorn Dr., Residence A, and newly annexed "Two Mile Hill," Residence A District.

1969-117 11-13-69 Green Acres Subdivision No. 1 adjacent to Indian Hills, from Residence B to Business B District.

1970-29 3-26-70 South 152 ft. of Lot 14 in the Farney Addition (5951 Gallia St.), from Residence A to Residence A-1 District.

1970-112 12-9-70 Lot 1 and Lot A of the Young Subdivision, generally known as 2628 and 2630 Scioto Trail, from Residence B to Business A District.

1971-73 11-17-71 The west 27 ft. of Lot 19, all of Lots 20 through 23, the east half of lot 24 and all of Lots 30 through 37 of the Barr Addition, located within the 800 block on the south side of Ninth St. and the north side of Eighth St., from Residence C to Business B District.

1972-67 7-25-72 The east 70 ft. of Lot 33 and the west 11.81 ft of Lot 34 of the Damarin Addition to the City, generally known as 1510, 1512 and 1514 Sixth St., from Residence B to Business B District.

1972-93 10-10-72 Classifying a certain newly annexed area of the City, namely 3.137 acres in the SW quarter of Sec. 4, Twp. 1, Rg. 21, adjacent to Indian Hills Subdivision, as Residence A District.

1972-104 11-14-72 Ninety-six ft. six inches of unplatted ground on the north side of Twelfth St., east of Lot 52 of the Crain Subdivision, generally known as 1207, 1209, 1211 and 1215 Twelfth St., from Residence C to Business B District.

1972-113 11-28-72 Lots 85 through 88 of the Thompson Addition to the City, being all of the properties on the south side of Third St. between Glover and Offnere Sts., generally known as 1412, 1416, 1420, 1424 and 1426 Third St., from Residence B to Business A District.

1973-72 8-14-73 Lots 57, 58 and 59 of the Amanda Pursell Addition, and Lots 7 through 12 of the F.B. Finney Subdivision of Lots 61 and 62 of the Amanda Pursell Addition to the City, from Residence C to Business B District.

1973-73 8-14-73 Lots 54 through 66 of Rose Ridge Addition No. 2 to the City, located in the Fourth Ward, on the north side of Charles St. and east of Harmon St., from Residence B to Industrial District.

1973-76 8-14-73 Classifying a certain newly annexed area of the City, namely 10.101 acres in the SW quarter of Sec. 4, Twp. 1, Rg. 21, adjacent to Indian Hills Subdivision, as a residence a District.

1974-47 4-9-74 Lots 13 through 17 of Rose Ridge Addition No. 1 to the City, located in the Fourth Ward, on the south side of Charles St., from Business A to Industrial District, and also Lots 18 through 26 of Rose Ridge Addition No. 1, from Residence B to Industrial District.

1974-78 7-9-74 Lot 38 of the Barr Addition to the City, located on the SE corner of Ninth and Gay Sts., from Residence C to Business B District.

1977-210 12-13-77 3.043 acres north of Dever St. at north end of Valley St., from Agricultural to Residence C District.

1978-145 10-31-78 Four parcels of unplatted land west of Boundary St. and south of Jackson Ave., from Residence B to Business A District.

1980-110 12-23-80 Lot 2 of Maplewood Addition at 5807 Gallia St., from Residence B to Business B District.

1981-9 1-27-81 Lot 39 of Barr Addition at 818 and 822 Gay St., from Residence C to Business B District.

1981-65 5-26-81 3.043 acre tract north of Dever St. at the north end of Valley St. from Residence C District to Business B District; 1.0 acre tract east of Harrisonville Ave. and north of Dever St. from Agricultural District to Business B District; and a 1.27 acre tract east of Harrisonville Ave. from Residence C District to Business B District.

1981-122 10-13-81 East 26 ft. of Lot 6 of Turley Addition at 1661 12th St. from Residence "C" to Business "A" District.

1982-110 12-28-82 West 10 ft of Lot 6, all of Lot 7 and east 6 ft. of Lot 8 of Turley Addition at 1655 and 1657 12th St., and 1654 and 1656 Robinson Ave., from Residence "C" to Business "A" District.

1983-32 5-24-83 Lots 26, 27 and 28 of Brushart Addition at 2107, 2111 and 2115 Seventh St., from Residence "C" to Business "B" District.

1983-98 12-27-83 1.1 acres on westerly corner of intersection at Harding Ave. and Swauger Valley, from Agricultural District to Business "B" District.

1985-34 4-23-85 1114 and 1116 Monroe St. and 2221 Gallia St., from Residence "C" to Business "B" District.

1986-33 5-13-86 14.191 acres in Highland Bend from Residence "B" to Industrial District.

1987-15 3-10-87 2120 Scioto Trail from Residence "A" to Business "A" District; Lots 1, 2, 4, 5, 6 and 7, Trailton Terrace Addition from Residence "A" to Business "A" District.

1987-81 12-8-87 1830 28th St. from Residence "A" to Residence "B" District.

1988-10 2-9-88 1870 Coles Blvd. from Residence "A" to Residence "B" District.

1988-91 11-8-88 2543 Scioto Trail from Residence "B" to Business "A" District.

1988-102 12-13-88 1115, 1119 and 1123 Monroe St. from Residence "B" to Business "B" District.

1989-25 4-25-89 516, 520 and 522 Harding Ave. from Residence "B" to Business "B" District.

1990-67 7-10-90 5807 Gallia St. from Residence B to Business B District.

1991-08 1-22-91 1405 Offnere St. (south 30 ft.) from Residence A to Business A District.

1993-121 11-22-93 Lots 10, 11 and 12 of the Noel Addition to the City, generally known as 2741 Scioto Trail, from Business "A" to Business "B" District.

1996-11 2-12-96 Southern Ohio Medical Center Scioto Campus property from Residence A to Business A District.

1996-16 2-26-96 Portions of south and north sides of Twelfth St., from Residence C to Business B District; portion of south side of Kinney's Lane from Residence B to Business A District.

1996-94 7-22-96 Portion of Walnut St. (Lots 116 + 135, E. Portsmouth Division) from residential to Business B District.

1996-95 7-22-96 North side of Gallia St. in Sciotoville (Winchester Ave. to Little Scioto River Bridge) from mixed residential and business to Business B District.

1997-01 1-13-97 Lot 29, Sterling Ave. from Residence B to Business A District.

1997-92 6-23-97 Lots 1-3, Boulevard Heights Addition on Scioto Trail (U.S. 23) and Lot 6, Ernest Hermann Addition on 28th St. from Residence "B" to Business "A".

1997-134 8-25-97 Lot 4, Boulevard Heights Addition, on Scioto Trail (U.S. 23) from Residence "B" to Business "A" (requested by J. Albrecht).

1997-165 10-27-97 Properties west of Oberling Motors to 1204 Union St. from Residence "C" to Business "B" (requested by E.F. Parker).

1997-166 10-27-97 Lots 498, 525, 530, 557 and west 20 ft. of Lot 562, Barr Addition from Residence "C" to Business "B".

1997-183 11-24-97 Lots 43-45, Damarin Addition from Residence "C" to Business "A" (requested by G. Albrecht, for Wesley United Methodist Church, owner).

2001-27 4-9-01 1834 Oakland Ave. and Lots 2, 5, 8, 11, 14, 17, 20, 23, 26, 29 and 32, Oakland Addition (on E side of Oakland Ave.) from Residence "B" to Business "B" (requested by D. and A. Hassel).

2002-112 9-23-02 Lots 13-17 on south side of 12th St. and two land parcels (1316 and 1314 12th St.) from current zoning to Business "B" District, for AAA construction purposes.

2002-120 11-11-02 Property at corner of 5th and Waller Sts. from current zoning to Business "A" District for entrance to proposed parking lot for Public Library.

2004-15 3-9-04 North side of Kinneys Lane from Scioto Trail, east to Waller St. from residential to Business "B" District.

2004-52 9-27-04 West and east sides of Waller St., from Kinneys Lane to N corner of 17th St. and north and south sides of 18th St. from Waller St. west 225 ft. (including Lots 45-49(N) and Lots 6-8(S)) from Residence "B" to Business "A" District.

2007-57 8-13-07 2537, 2539 and 2543 Scioto Trail from Business "A" to Business "B".

2010-09 2-22-10 Parcel Numbers 33-2640.000 and 33-2921.000 generally known as the former McKinley School, Ohio from its current zoning of Residence "A" to Residence "B" District.

2012-19 5-24-12 Parcel Number 32-1406.000 generally known as 3162 Gallia Street from its current zoning of Residence "B" District to Business "B" District.

2014-09 3-10-14 Parcel No. 32-2608.000 being approximately 1.82 acres at the corner of Harding and Buckley Avenue in Sciotoville from its current zoning of Residence "B" District to Business "A" District.

2017-36 7-24-17 Parcels 33-0809.000, 33-2204.00, 33-1912.000 and 33-1208.000 including all alleys vacated by the City contiguous to said parcels from Residence "C" District to Business "B" District.

2017-43 9-11-17 Parcel 33-2598.000 from Residence C to Business B Commercial District.