

CODIFIED ORDINANCES OF MARTINS FERRY
PART ELEVEN - PLANNING AND ZONING CODE

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CODIFIED ORDINANCES OF MARTINS FERRY
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Planning
Chap. 1101. Planning Commission.
Chap. 1103. Downtown Architectural District.

CHAPTER 1101
Planning Commission

1101.01 Establishment.

1101.02 Duties.

CROSS REFERENCES

Planning Commission shall be Platting Commission - see Ohio R.C.
713.03

Superintendent of Development as member - see ADM. 139.03

Role in urban renewal - see ADM. 181.05, 181.07, 181.10

Secretary to serve as Secretary of Board of Zoning Appeals - see
P. & Z. 1115.01

Zoning Code amendments - see P. & Z. 1133.01

Granting variance in C-1, I-1 and I-2 Districts for off-street
parking regulations - see P. & Z. 1167.05

1101.01 ESTABLISHMENT.

There is hereby established a Planning Commission for the City, consisting of the Mayor, the Director of Public Service, and three residents of the City, who shall serve without compensation and shall be appointed by the Mayor for a term of six years, except that the term of one of the members of the first Commission shall be for four years and another for two years. (Ord. 4554. Passed 3-3-58.)

1101.02 DUTIES.

The Planning Commission shall perform all duties and exercise all authority required by or given to a Planning Commission under Ohio R.C. Chapter 713.
(Ord. 4554. Passed 3-3-58.)

CHAPTER 1103
Downtown Architectural District

1103.01	Purpose.	1103.06	Preservation of property upon demolition of a structure.
1103.02	District boundaries.	1103.07	Repair or maintenance exception.
1103.03	Application and notice.	1103.08	Appeals.
1103.04	Board of Architectural Review.	1103.99	Penalty.
1103.05	Standards for review; certificate of appropriateness.		

1103.01 PURPOSE.

The purpose of this chapter is to maintain a high character of community development, to protect and preserve the property values and to protect real estate from impairment or destruction of value for the general community welfare by regulating the exterior architectural characteristics of structures through the hereafter defined Architectural District. It is the further purpose of this chapter to recognize and preserve the distinctive historical and architectural character of this community which has been greatly influenced by the architecture of an earlier period in this community's history. These purposes will be served by the regulation of exterior design, use of materials, the finish grade line, landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled in the hereinafter defined Architectural District.
(Ord. 97-65. Passed 11-20-97.)

1103.02 DISTRICT BOUNDARIES.

There is hereby established an Architectural District which shall include the frontage of all lots within the area of Fourth Street, commencing at a point located at the south side of Clay Street on the east side of Fourth Street and approximately 150 feet south of Clay Street on the west side of Fourth Street and extending to a point approximately 450 feet north of Hanover Street. On Hanover commencing at State Route 7 and extending west approximately 1000 feet. On Fifth Street commencing at a point located on the south side of Park Street and extending to a point located at the south side of Walnut Street.

The Downtown Architectural District includes that portion of any building or property that fronts on any of the above mentioned streets.
(Ord. 98-74. Passed 12-5-98.)

1103.03 APPLICATION AND NOTICE.

(a) Whenever a structure, as defined by the Zoning Ordinance, whether public or private, within the above described district is proposed to be constructed or erected and whenever an existing structure is proposed to be altered, reconstructed, enlarged or remodeled, if such alteration, construction, enlargement or remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure, an application for a certificate of appropriateness shall be filed with the City Clerk.

(b) The application shall be accompanied by a site plan and building elevations drawn to scale indicating at a minimum, the lot dimensions, size, shape, and dimensions of the structure, the location and orientation of the structure on the lot and the actual or proposed building setback lines. In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping and orientation of the structure. Applications for structure to be constructed or remodeled, which remodeling would increase or decrease the total gross building area by fifty percent (50%) or more, shall be accompanied by appropriate, relevant colored elevations showing at a minimum, the design, use of materials, finish grade line, landscaping and orientation of buildings and any significant architectural features. In addition, the Board of Architectural Review may require the submission of colored perspectives or architectural renderings in applications where the Board feels it is required.

(c) Upon receipt of an application for a certificate of appropriateness, which is accompanied by the material required by the provisions of subsection (b) hereof, the City Clerk shall place the application on the agenda for the Board at its next regular meeting following ten days from the date the application is filed. The Clerk shall further cause to be published in a newspaper of general circulation in the City, a public notice of the scheduled hearing date of the application together with a general description of the nature of the application. The applicant shall be notified by mail of the date of the hearing.

In addition, there shall be a notice posted on the subject property stating that an application has been filed and the date of the hearing.
(Ord. 97-65. Passed 11-20-97.)

1103.04 BOARD OF ARCHITECTURAL REVIEW.

The Board of Architectural Review shall consist of five (5) members who shall be appointed by the Mayor and approved by the City Council. These members shall represent the Architectural Review District and at least two (2) of them shall be resident freeholders of such District. (Ord. 97-65. Passed 11-20-97.)

1103.05 STANDARDS FOR REVIEW; CERTIFICATE OF APPROPRIATENESS.

(a) The Board of Architectural Review, in deciding whether to issue a certificate of appropriateness, shall determine that the application under consideration promotes, preserves and enhances the distinctive historical City character of the community and would not be at variance with existing structures within that portion of the district in which the structure is or is proposed to be located as to be detrimental to the interests of the District. In conducting its review, the Board shall make examination of and give consideration to the elements of the application including, but not necessarily limited to:

- (1) Height;
- (2) Building massing, which shall include the relationship to the viewer's and pedestrian's visual perspective;
- (3) Window treatment, which shall include the size, shape and materials of the individual window units and the overall harmonious relationship of window openings;

- (4) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (5) Roof shape, which shall include type, form and materials;
- (6) Materials, texture and color, which shall include a consideration of material compatibility among various elements of the structure;
- (7) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
- (8) Landscape design and plant materials, which shall include, but not be limited to, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable view, and the trimming of trees located in the Downtown Architectural District;
- (9) Pedestrian environment, which shall include the provision of features which enhance pedestrian's visual perspective; and
- (10) Signage, which shall include, the appropriateness of signage to the building.

(b) In conducting its inquiry and review, the Board may request from the applicant such additional information, sketches and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding the matters under examination. It may recommend to the applicant changes in the plans that it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The Board shall keep a record of its proceedings and shall append to the application copies of information, sketches and data needed to clearly describe any amendment to it.

(c) When its review is concluded, the Board will determine by a vote of its members, whether the application for certificate of appropriateness shall be approved. If approved by four or more of its members, the Board shall return the application and appended material to the Clerk with the instruction that the certificate of appropriateness be issued, provided all other requirements for a building permit, if applicable, are met. The certificate of appropriateness shall be valid for one year from the date of approval, or such extension as may be granted by the Board. If not approved, the Board shall return the application and appended material to the applicant with a notice that the certificate of appropriateness shall not be issued because the application did not meet the criteria and standards set forth herein.
(Ord. 97-65. Passed 11-20-97.)

1103.06 PRESERVATION OF PROPERTY UPON DEMOLITION OF A STRUCTURE.

(a) Whenever a structure within the District is proposed to be demolished, an application for a certificate of appropriateness shall be filed with the City Clerk as provided in this chapter. In considering such application, the Board of Architectural Review shall limit its inquiry to the proposal for grading, landscaping and other design treatment of the property once the structure has been removed.

(b) Nothing in this chapter shall be construed to prevent the demolition of a structure whether public or private, within the District.

(c) Whenever a tree within the District is proposed to be trimmed, an application for a certificate of appropriateness shall be filed with the City Clerk as provided in this chapter. In considering such application, the Board of Architectural Review shall, further, have the power to regulate the requested tree trimming as it sees fit and to require a certificate of appropriateness prior to said tree(s) being trimmed or cut.
(Ord. 97-65. Passed 11-20-97.)

1103.07 REPAIR OR MAINTENANCE EXCEPTION.

Nothing in this chapter shall be construed to prevent any ordinary repair or maintenance of an exterior architectural feature or any ordinary planting and landscaping now in the District. (Ord. 97-65. Passed 11-20-97.)

1103.08 APPEALS.

The Board of Architectural Review shall decide all applications for architectural review not later than thirty days after the first hearing thereon.

- (a) Any person, firm or corporation, or any officer, department, board or agency of the City who has been aggrieved by any decision of the Board involving an application for architectural review approval may appeal such decision to Council by filing notice of intent to appeal with the Clerk within ten days from the date of the decision, setting forth the facts of the case.
- (b) Council may then elect to hold a public hearing on the appeal by the affirmative vote of a majority of its members, or failing to so elect, shall reject the application for appeal. In the event Council elects to hold a public hearing on the request for appeal, the hearing shall be held no later than sixty days after a final decision has been rendered by the Board. Council, by a majority vote of its members, shall decide the matter and its decision shall be final.
- (c) If no notice of intent to appeal is filed with the Clerk within this period specified in subsection (a) hereof, Council may at the option of a majority of its members and not later than ten days following the expiration of the appeal period, elect to review any architectural review decision of the Board. Council shall schedule a public hearing on the matter which shall not be held more than sixty days after a final decision was rendered by the Board. At a public hearing, Council, by a majority vote of its members, shall decide the matter and its decision shall be final.

(Ord. 97-65. Passed 11-20-97.)

1103.99 PENALTY.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation adopted by Council. Any person, firm or corporation violating any regulation thereto shall be fined not more than five hundred dollars (\$500.00). Every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense. (Ord. 97-65. Passed 11-20-97.)

TITLE THREE - Zoning Administration
 Chap. 1111. Definitions.
 Chap. 1113. Interpretation; Enforcement; Penalty.
 Chap. 1115. Board of Zoning Appeals.

CHAPTER 1111
 Definitions

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1111.02	Interpretation.	1111.30	Main building.
1111.03	Accessory building or accessory use.	1111.31	Motel or tourist court.
1111.04	Alley.	1111.32	Nonconforming use.
1111.05	Alteration.	1111.33	Occupancy, mixed.
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1111.20	Home occupation.	1111.48	Tourist home.
1111.21	Hospital.	1111.49	Trailer camp.
1111.22	Lot.	1111.50	Yard.
1111.23	Lot area.	1111.51	Yard, front.
1111.24	Lot, corner.	1111.52	Yard, rear.
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1111.27	Lot line, side.	1111.55	Zoning Map.
1111.28	Lot, reverse corner.	1111.56	Zoning Code.

CROSS REFERENCE

Urban renewal definitions - see ADM. 181.03

1111.01 DEFINITIONS.

For the purpose of this Zoning Code, certain words and terms used in it shall be interpreted or defined as follows in this chapter.

(Ord. 4702. Passed 8-21-56.)

1111.02 INTERPRETATION.

Words used in the present tense include the future tense; the singular includes the plural and the plural the singular unless the natural construction of the wording indicates otherwise; "lot" includes "plot" and "parcel"; "shall" is mandatory and not directory; "occupied" or "used" as applied to any building or premises shall be considered to be followed by "or intended, arranged or designed to be occupied or used"; "approve" shall be considered to be followed by "or disapprove"; "City" means the City of Martins Ferry; all distances and areas refer to measurements in a horizontal plane.

(Ord. 4702. Passed 8-21-56.)

1111.03 ACCESSORY BUILDING OR ACCESSORY USE.

"Accessory building" or "accessory use" means a subordinate building or use located on the same lot with, and customarily incidental to, the main use or main building. Accessory buildings and uses are considered to be a part of the primary use of a property.

(Ord. 4702. Passed 8-21-56.)

1111.04 ALLEY.

"Alley" means a permanent service way providing a secondary means of access to abutting properties.

(Ord. 4702. Passed 8-21-56.)

1111.05 ALTERATION.

"Alteration" as applied to a building means a change in or replacement of walls, partitions, floors, roof, foundations or openings, or in corresponding parts of a structure other than a building. Redecorating, repair or replacement of windows, trim and similar small members does not constitute an alteration.

(Ord. 4702. Passed 8-21-56.)

1111.06 ANIMAL HOSPITAL OR ANIMAL CLINIC.

"Animal hospital" or "animal clinic" means any building used to treat small animals or fowl. (Ord. 4702. Passed 8-21-56.)

1111.07 APARTMENT HOUSE.

"Apartment house" means any main building containing more than four dwelling units. (Ord. 4702. Passed 8-21-56.)

1111.08 BOARDING HOUSE.

"Boarding house" means any dwelling in which more than three persons, either individually or as one or more families, are housed or lodged for hire, with or without meals. A rooming house or furnished room house shall be considered a boarding house.
(Ord. 4702. Passed 8-21-56.)

1111.09 BUILDING.

"Building" means a structure designed or used for the shelter of persons, animals or chattel. Structures such as stadiums, platforms, taverns, sheds, signs and fences of any type over four feet in height shall be considered buildings.
(Ord. 4702. Passed 8-21-56.)

1111.10 CERTIFICATE OF OCCUPANCY.

"Certificate of occupancy" means an authorization for the occupancy or use of any structure or property.
(Ord. 4702. Passed 8-21-56.)

1111.11 DOUBLE HOUSE.

"Double house" means a dwelling designed for or occupied exclusively by two families with a separate entrance for each, but under one roof and with a rail or party wall between, but no interior connection between the two.
(Ord. 4702. Passed 8-21-56.)

1111.12 DWELLING.

"Dwelling" means a building designed or used exclusively for living quarters and containing single-family, two-family, three-family or four-family units but not including apartments, boarding houses, rooming houses, motels, hotels, etc. No trailer, camp car or other portable vehicle, on or off wheels, shall be considered as a dwelling.
(Ord. 4702. Passed 8-21-56.)

1111.13 DWELLING GROUP.

"Dwelling group" means a group of two or more dwellings occupying a lot in one ownership, and having one or more yards in common.
(Ord. 4702. Passed 8-21-56.)

1111.14 DWELLING UNIT.

"Dwelling unit" means a main building, or part of a main building, with one or more rooms designed and intended for occupancy by one family for living, sleeping and cooking purposes. (Ord. 4702. Passed 8-21-56.)

1111.15 FAMILY.

"Family" means one or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding house, tourist home, club, fraternity or hotel.
(Ord. 4702. Passed 8-21-56.)

1111.16 GARAGE APARTMENT.

"Garage apartment" means a dwelling unit constructed as an integral part of any private garage and abutting on a public alley or street less than thirty feet in width.
(Ord. 4702. Passed 8-21-56.)

1111.17 GARAGE, PRIVATE.

"Private garage" means an accessory building for the storage of not more than four automobiles, including not more than one truck of greater than one-half ton capacity, and in which no business is carried on.

(Ord. 4702. Passed 8-21-56.)

1111.18 GARAGE, PUBLIC.

"Public garage" means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, hiring, selling or storing motor-driven vehicles.

(Ord. 4702. Passed 8-21-56.)

1111.19 HEIGHT OF BUILDING OR STRUCTURE.

"Height of building or structure" means the vertical distance, measured from the average elevation of the proposed finished grade at the front of the building, to the highest point of the roof for flat and shed roofs, to the deck line for mansard-type roofs, to the mean height between eaves and ridge for other pitched roofs, or to the highest point of a structure other than a building.

(Ord. 4702. Passed 8-21-56.)

1111.20 HOME OCCUPATION.

"Home occupation" means any use or service conducted for profit solely by the inhabitants of a dwelling and operated entirely within the dwelling, which use is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the appearance or character thereof.

(Ord. 4702. Passed 8-21-56.)

1111.21 HOSPITAL.

"Hospital" means an establishment for the care of human infirmities.

(Ord. 4702. Passed 8-21-56.)

1111.22 LOT.

"Lot" means a parcel of land occupied or to be occupied by a main building, a group of main buildings or accessory buildings or to be occupied by a permitted use, together with such yards, open spaces, lot widths and lot area as are required by this Zoning Code and having frontage upon a dedicated public street for group dwellings. Where more than one dwelling is placed on a lot, each dwelling structure shall be provided with the minimum lot frontage, lot area, front yard, rear and side yards as are required for one dwelling on a lot in the same zone.

(Ord. 4702. Passed 8-21-56.)

1111.23 LOT AREA.

"Lot area" means the total area of a lot within the property lines, excluding any portion of a street or alley.

(Ord. 4702. Passed 8-21-56.)

1111.24 LOT, CORNER.

"Corner lot" means a parcel of land at the junction of, and fronting on, two or more intersecting streets.

(Ord. 4702. Passed 8-21-56.)

1111.25 LOT LINE, FRONT.

"Front lot line" means the line of property at the right of way of the street or easement that affords the principal means of access to the premises. In the case of a corner lot it is

that street line designated on the subdivision plat as the front lot line, or if there is no such designation on the plat, the front lot line shall be deemed to be the shortest of the side lines facing on the dedicated streets.

(Ord. 4702. Passed 8-21-56.)

1111.26 LOT LINE, REAR.

"Rear lot line" means the lot line generally opposite the front lot line. If less than ten feet in length, or if the lot comes to a point in the rear, the rear lot line shall be considered to be a line parallel to the front lot line, not less than ten feet long, lying wholly within the lot and farthest from the front lot line.

(Ord. 4702. Passed 8-21-56.)

1111.27 LOT LINE, SIDE.

"Side lot line" means a lot line other than a front or rear lot line.

(Ord. 4702. Passed 8-21-56.)

1111.28 LOT, REVERSE CORNER.

"Reverse corner lot" means a corner lot the rear line of which is all or part of the side lot line of an abutting lot.

(Ord. 4702. Passed 8-21-56.)

1111.29 LOT WIDTH.

"Lot width" means the dimension of a lot, measured at right angles to the average bearing of the side lot lines, at the front lot line or at the front yard line.

(Ord. 4702. Passed 8-21-56.)

1111.30 MAIN BUILDING.

"Main building" means a building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling shall be considered to be a main building on the lot on which it is located.

(Ord. 4702. Passed 8-21-56.)

1111.31 MOTEL OR TOURIST COURT.

"Motel" or "tourist court" means one or more buildings arranged and constructed for the overnight sleeping accommodation of the automobile-traveling public but not including cooking facilities.

(Ord. 4702. Passed 8-21-56.)

1111.32 NONCONFORMING USE .

"Nonconforming use" means a lawful use of land or of a building which does not conform to the use standards of this Zoning Code for the district in which it is located.

(Ord. 4702. Passed 8-21-56.)

1111.33 OCCUPANCY, MIXED.

"Mixed occupancy" means occupancy of a building or land for more than one use.

(Ord. 4702. Passed 8-21-56.)

1111.34 PORCH.

"Porch" means a roofed, open structure projecting from the front, side or rear wall of the building. (Ord. 4702. Passed 8-21-56.)

1111.35 PROPERTY LINE.

For "property line" see "lot line", Sections 1111.25 through 1111.27. (Ord. 4702. Passed 8-21-56.)

1111.36 PUBLIC PARKING LOT.

"Public parking lot" means any lot municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee. (Ord. 4702. Passed 8-21-56.)

1111.37 RESIDENTIAL HOTEL.

"Residential hotel" means a dwelling occupied by permanent guests which may or may not have housekeeping facilities for each room or suite of rooms. (Ord. 4702. Passed 8-21-56.)

1111.38 SIGN.

"Sign" means any advertising structure or display located outside a building, including signs attached to or painted on the wall or roof of a building. (Ord. 4702. Passed 8-21-56.)

1111.39 STABLE.

"Stable" means any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses, cattle or other similar animals either permanently or transiently. (Ord. 4702. Passed 8-21-56.)

1111.40 STORY.

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if the top story, that part between the surface of the floor and the ceiling above it. A basement shall be counted as a story if it is used as a separate dwelling. (Ord. 4702. Passed 8-21-56.)

1111.41 STORY, HALF.

"Half story" means a story with two or more opposite sides meeting a sloping roof not more than three feet above the floor of such story. (Ord. 4702. Passed 8-21-56.)

1111.42 STREET.

"Street" means a public thoroughfare which affords the principal means of access to abutting property. (Ord. 4702. Passed 8-21-56.)

1111.43 STRUCTURE.

For "structure" see "building", Section 1111.09. (Ord. 4702. Passed 8-21-56.)

1111.44 STRUCTURAL ALTERATION.

"Structural alteration" means any change in the supporting member of a building or structure such as bearing walls, partitions, columns, beams or girders.
(Ord. 4702. Passed 8-21-56.)

1111.45 TELEPHONE EXCHANGE BUILDING.

"Telephone exchange building" means a building and its equipment used for facilitating transmission and exchange of telephone messages between subscribers, but in a residential district not including public business facilities, storage of outside plant materials, trucks or repair facilities, or housing of outside repair crews.
(Ord. 4702. Passed 8-21-56.)

1111.46 TERRACE.

"Terrace" means a natural or artificial embankment between a building and its lot lines. The height of a terrace is the difference in elevation between the curb level and the top of the terrace at the center of the building wall.
(Ord. 4702. Passed 8-21-56.)

1111.47 TOURIST COURT.

For "tourist court" see "motel", Section 1111.31.
(Ord. 4702. Passed 8-21-56.)

1111.48 TOURIST HOME.

"Tourist home" means a dwelling in which overnight accommodations are provided for transient guests for compensation, and the outward appearance of which continues to be residential in character.
(Ord. 4702. Passed 8-21-56.)

1111.49 TRAILER CAMP.

"Trailer camp" means premises occupied or designed for occupancy by one or more trailers or camp care for living purposes.
(Ord. 4702. Passed 8-21-56.)

1111.50 YARD.

"Yard" means an open space of uniform width or depth, and on the same lot with a building or group of buildings, lying between any part of the building and the nearest lot line and which is unoccupied and unobstructed from the ground upward. The width or depth of a yard shall be parallel to and measured at right angles to the corresponding lot line.
(Ord. 4702. Passed 8-21-56.)

1111.51 YARD, FRONT.

"Front yard" means a yard extending across the full width of a lot and lying between the front lot line and the nearest part of a building.
(Ord. 4702. Passed 8-21-56.)

1111.52 YARD, REAR.

"Rear yard" means a yard extending across the full width of a lot and lying between the rear lot line and the nearest part of a building.
(Ord. 4702. Passed 8-21-56.)

1111.53 YARD, SIDE.

"Side yard" means a yard between each side lot line and the nearest part of a building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line as the case may be.

(Ord. 4702. Passed 8-21-56.)

1111.54 ZONE.

"Zone" means a classification of use, and the standards pertaining thereto, as described in this Zoning Code and as applied to certain areas in the City.

(Ord. 4702. Passed 8-21-56.)

1111.55 ZONING MAP.

"Zoning Map" means the map setting forth the boundaries of the zoning districts of the City, which Map shall be a part of this Zoning Code.

(Ord. 4702. Passed 8-21-56.)

1111.56 ZONING CODE .

"Zoning Code" means Ordinance 4702, passed August 21, 1956, as amended, which comprises Titles Three through Nine of this Planning and Zoning Code.

(Ord. 4702. Passed 8-21-56.)

CHAPTER 1113
Interpretation; Enforcement; Penalty

1113.01	Comprehensive Zoning Plan.	1113.05	Conformity to standards.
1113.02	Title.	1113.06	Unlawful buildings and uses.
1113.03	Purpose of district classification; unlisted uses.	1113.07	Legal action by Solicitor.
1113.04	Public Safety Director to enforce Code.	1113.99	Penalty.

CROSS REFERENCES

Violations - see Ohio R.C. 713.13
Powers and duties of Director of Public Service - see ADM. 135.03
General Plan - see P. & Z. 181.03(l)
Variances - see P. & Z. 1115.04 et seq., 1161.05, 1167.05
Amendment procedure - see P. & Z. 1133.01
Multiple zones under one ownership - see P. & Z. 1165.08
Authority to permit or deny use not provided for - see P. & Z.
1165.10
Permits; fees - see BLDG. Ch. 1309
Abatement of unsafe structures - see BLDG. Ch. 1355

1113.01 COMPREHENSIVE ZONING PLAN.

There is hereby established a "Comprehensive Zoning Plan" for the City of Martins Ferry. This Plan is a part of a long-range general City plan to guide and facilitate the orderly and beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of this "Comprehensive Zoning Plan" are to encourage the social and economic stability of neighborhoods; to protect and conserve property values by minimizing conflicts in the use of neighboring property; to insure adequate open spaces between buildings; to act as a guide for the economical provision of public facilities and services; and to assist private ownership in the enjoyment and use of land and buildings.
(Ord. 4702. Passed 8-21-56.)

1113.02 TITLE.

Ordinance 4702, passed August 21, 1956, as amended, is known and may be cited as the Zoning Code of Martins Ferry, Ohio.
(Ord. 4702. Passed 8-21-56.)

1113.03 PURPOSE OF DISTRICT CLASSIFICATION; UNLISTED USES.

The descriptions of zone districts as set forth in Title Seven, are intended to give clearly defined distinctions as to the types of uses, heights of buildings and lot and yard areas applicable to each district. The specific uses listed for each district are intended to include any other uses of a similar nature but not other uses that are listed, or similar to those uses listed, for another district.

The Planning Commission shall decide the proper district for any type of use not specifically listed herein; an appeal from such a decision may be taken to the Board of Zoning Appeals. (Ord. 4702. Passed 8-21-56.)

1113.04 PUBLIC SAFETY DIRECTOR TO ENFORCE CODE.

The duty of administering and enforcing the provisions of this Zoning Code is hereby conferred upon the Director of Public Safety who shall have such powers as are conferred on him by this Zoning Code and are reasonably implied for that purpose. (Ord. 4702. Passed 8-21-56.)

1113.05 CONFORMITY TO STANDARDS.

Every new use of land or building shall comply with the standards of this Zoning Code and all building construction, moving, alteration or enlargement shall be only in accordance with the uses permitted and standards designated for the zone district in which the area concerned lies. (Ord. 4702. Passed 8-21-56.)

1113.06 UNLAWFUL BUILDINGS AND USES .

Any building erected, constructed, altered, enlarged, converted, moved or used contrary to any of the provisions of this Zoning Code, and any use of land or building which is conducted, operated or maintained contrary to any of the provisions of this Zoning Code is hereby declared to be unlawful. (Ord. 4702. Passed 8-21-56.)

1113.07 LEGAL ACTION BY SOLICITOR.

The Planning Commission, or the Public Safety Department, upon becoming aware of any violation of any provision of this Zoning Code, shall serve notice of such violation on the person or corporation committing or permitting the same, and if the violation has not ceased within such reasonable time as they may specify, they shall present the facts in the case to the Director of Law. The Director of Law shall, immediately upon having a violation of this Zoning Code called to his attention, institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful construction, reconstruction, alteration, conversion, maintenance or use. Such action may also be instituted by the owner of any contiguous or neighboring property who would be especially damaged by any violation of this Zoning Code. (Ord. 4702. Passed 8-21-56.)

1113.99 PENALTY.

Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, who violates any provision of this Zoning Code or permits any such violation or who fails to comply with any of the requirements thereof, or who erects, constructs, alters, enlarges, converts, moves or uses any building, or uses any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this Zoning Code, shall be fined not more than twenty-five dollars (\$25.00). Such person or corporation shall be deemed to be guilty of a separate offense for each day during any portion of which any violation of this Zoning Code is committed, continued or permitted by such person or corporation, and shall be fined therefor as provided herein. (Ord. 4965. Passed 3-19-60.)

CHAPTER 1115
Board of Zoning Appeals

1115.01	Membership; officers; quorum.	1115.05	Powers and duties, appeals; variances .
1115.02	Meetings and public hearings.		
1115.03	Fees for public hearings.		
1115.04	Guidelines for granting variances.		

CROSS REFERENCES

Power to establish - see Ohio R.C. 713.11
 Notice and protest - see P. & Z. 1147.06
 Nonconforming uses - see P. & Z. 1161.01 et seq.
 Granting variances - see P. & Z. 1161.05
 Multiple zones under one ownership - see P. & Z. 1165.08
 Off-street parking variances - see P. & Z. 1167.05

1115.01 MEMBERSHIP; OFFICERS; QUORUM.

A Board of Zoning Appeals is hereby established which shall consist of five members. Four of the members shall be residents of the City, appointed by the Mayor; one shall be a member of the Planning Commission, appointed by the Commission. The term of office of the members appointed by the Mayor shall be four years, except that the term of one such member of the first Board shall be for three years, one for two years and one for one year. In case any vacancy occurs in the membership of the Board it shall be so filled in the manner of the original appointment. The Board shall elect its own Chairman for a one-year term at the first meeting of each calendar year. The presence of three members shall constitute a quorum, and the concurring vote of three members shall be necessary to pass upon any matter before the Board. The office secretary of the Planning Commission shall serve as Secretary of the Board. (Ord. 5008. Passed 10-1-60.)

1115.02 MEETINGS AND PUBLIC HEARINGS.

The Board of Zoning Appeals shall hold regular meetings at least once a month when there are matters to come before it, and special meetings when necessary and called by the Chairman. Attendance by members of the Board shall be in person. The Board shall hold a public hearing on all cases coming before it. The Secretary shall send written notice of each public hearing at least five days before the date of the hearing to property owners and residents considered by him to be affected. All meetings of the Board shall be public. Minutes of all meetings shall be recorded, showing the attendance of members and the vote of each member of each case. Such minutes shall be kept at the office of the Planning Commission and shall be a public record. (Ord. 4702. Passed 8-21-56.)

1115.03 FEES FOR PUBLIC HEARINGS.

A request for a hearing by the Board of Zoning Appeals shall be accompanied by a fee of five dollars (\$5.00) payable to the Secretary at the time the request is made. These fees shall be transmitted to the Auditor.
(Ord. 4702. Passed 8-21-56.)

1115.04 GUIDELINES FOR GRANTING VARIANCES.

The specific powers and duties of the Board of Zoning Appeals, which are described in Section 1115.05, are intended to assist in carrying out the purposes of this Zoning Code. In exercising its authority to grant variances of this Zoning Code in individual cases which may be subject to unusual hardship, the Board shall be guided by the following policies:

- (a) Every property owner shall be permitted to enjoy some reasonable use of his land.
- (b) The intent and purpose of this Zoning Code shall be adhered to in all decisions on matters coming before the Board.
- (c) Decisions of the Board may not assume legislative authority by having the effect of changing the meaning of the text of this Zoning Code or of changing the Zoning Map.
- (d) A lack of opportunity to obtain a maximum profit from the sale of property does not itself constitute grounds for relief by action of the Board.
- (e) Personal relationships in the use and ownership of property are of relatively brief duration and do not belong in considerations of long term improvement of and protection to the community.

(Ord. 4702. Passed 8-21-56.)

1115.05 POWERS AND DUTIES, APPEALS; VARIANCES.

The specific duties of the Board of Zoning Appeals are as follows:

- (a) To grant variances for certain buildings and for uses in residential districts, following which the Director of Public Safety may issue building permits and certificates of occupancy;
- (b) To grant variances in certain cases for those uses permitted in an I-2 District. This action may be taken when there are specific safeguards to protect surrounding properties from the nuisance factors of explosion and fire hazard, noise, smell, dust, smoke, vibration and unsightliness, and when there is assurance that these protective measures will be continued and maintained through succeeding years and ownerships, following which the Director of Public Safety may issue a building permit or certificate of occupancy;
- (c) To grant variances for side, front or rear yards whenever the provisions of this Zoning Code in respect to these requirements shall affect construction on any lot which is nonconforming as to size or area as a result of the adoption of this Zoning Code. Owners of such property must show that the normal application of the standards for the zoning district in which the lot is located would deprive the owner of practicable use of the lot or would be contrary to established front, side or rear yard setbacks by a majority of the structures within the same block in which the lot is located. The variance shall be to the minimum degree necessary to permit reasonable use of the lot. The variance shall not be granted if a majority of the buildings on lots within the block, in which the lot for which the variance is requested is found, are not substandard in respect to the variances being requested;

- (d) To decide, in case of question, the exact location of a zone district boundary line on the Zoning Map or to interpret any of the provisions of this Zoning Code;
- (e) To hear any appeal taken by a property owner as a result of the denial of a building permit or a certificate of occupancy by the Director of Public Safety when the property owner holds that such a denial is unreasonable or unjust or would require him to adhere to standards not adhered to by at least fifty percent of the properties within the block in which the lot is located;
- (f) In granting any variance the Board of Zoning Appeals may designate specific conditions for the approval of the building permit or certificate of occupancy for which the variance is granted and such conditions shall be listed on the permit or certificate by the Director of Public Safety. Failure to adhere to such conditions of approval will automatically invalidate the right of a property owner to proceed further under such permit or certificate;
- (g) To establish a zone boundary line within fifty feet in either direction of a zone boundary line dividing a property in one ownership.
(Ord. 4702. Passed 8-21-56.)

TITLE FIVE - Zoning Districts; Zoning Map
 Chap. 1131. Districts; Map; Boundaries.
 Chap. 1133. Amendments.

CHAPTER 1131
 Districts; Map; Boundaries

- | | |
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| 1131.01 Districts designated. | 1131.02 Establishment of districts on Zoning Map. |
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CROSS REFERENCES

- Basis of districts - see Ohio R.C. 713.10
- District boundary lines - see P. & Z. 1115.05(g), 1165.09
- Amendment procedure - see P. & Z . 1133.01
- Effect of change of district - see P. & Z. 1161.04
- Several types of uses on one property - see P. & Z. 1165.03
- Zoning annexed areas - see P. & Z. 1165.07

1131.01 DISTRICTS DESIGNATED.

The City is hereby divided into the following types of districts:

- R-1 General Residence District
- R-2 Single-Family Residence District
- R-3 Single-Family Residence District
- C-1 Commercial District
- C-2 Neighborhood Shopping District
- I-1 Light Industry District
- I-2 Heavy Industry District.

(Ord. 4702. Passed 8-21-56.)

1 131.02 ESTABLISHMENT OF DISTRICTS ON ZONING MAP.

(a) All of the districts described in Section 1131.01 are hereby established.

(b) The locations and boundaries of these districts are as shown on the map entitled "Zoning Map of Martins Ferry, Ohio" which bears the date of approval of this section and which is on file with the Clerk of Council, the Planning Commission and the Director of Public Service.

(c) This map and all notations, references, data and other information shown on it is attached hereto and incorporated herein by reference and is hereby made part of this Zoning Code. (Ord. 88-17. Passed 4-7-88.)

TITLE SEVEN - Zoning District Uses and Regulations

- Chap. 1141. R-1 General Residence District.
- Chap. 1143. R-2 Single-Family Residence District.
- Chap. 1145. R-3 Single-Family Residence District.
- Chap. 1147. C-1 Retail Commercial District.
- Chap. 1149. C-2 Neighborhood Shopping District.
- Chap. 1151. I-1 Light Industry District.
- Chap. 1153. I-2 Heavy Industry District.
- Chap. 1155. Source Water Protection Area.

**CHAPTER 1141
R-1 General Residence District**

- 1141.01 Permitted uses. 1141.02 Uses permitted with approval.

CROSS REFERENCES

- Storage of materials and vehicles - see GEN. OFF. Ch. 543,
P. & Z. 1165.06
- Prohibited uses - see P. & Z. 1163.01
- Dwelling lots - see P. & Z. 1165.01
- Dwelling group standards - see P. & Z. 1165.02
- Signs - see P. & Z. 1165.04
- Fences - see P. & Z. 1165.05
- Uses not provided for - see P. & Z. 1165.10
- Building numbering - see BLDG. Ch. 1359

1141.01 PERMITTED USES.

The following uses are permitted in an R-1 General Residence District:

- (a) One-family, two-family and multi-family uses;
 - (b) Recreation activities which are noncommercial;
 - (c) Home occupations.
- (Ord. 4702. Passed 8-21-56.)

1141.02 USES PERMITTED WITH APPROVAL.

The following uses, and extensions of present uses, when they are established in a manner that will give adequate protection to surrounding property from noise, traffic and parking congestion and when approved by the Board of Zoning Appeals are also permitted in an R-1 District:

- (a) Auditoriums;
- (b) Churches, convents, monasteries and similar religious activities;
- (c) Day nurseries and kindergartens;

- (d) Libraries;
- (e) Museums which are noncommercial;
- (f) Schools and colleges of a nonprofit nature;
- (g) Stadiums;
- (h) Utility service facilities to the extent necessary to serve the surrounding areas;
- (i) Clubs, lodges and social or recreation centers not operated in a commercial manner;
- (j) Fraternity and sorority houses;
- (k) Homes for the aged, indigent or for orphans;
- (l) Hospitals, sanitariums, convalescent and nursing homes, but not establishments for the exclusive care of contagious disease, epileptic, drug or liquor patients, or for criminals;
- (m) Social service, charitable and philanthropic institutions, but not including transient rooming accommodations or dormitories operated by such institutions;
- (n) Tourist homes which are operated as a part of a residence;
- (o) Professional offices up to four in number;
- (p) Residential hotels, which may have a dining room and other businesses to primarily serve the residents of the building and the only entrances to which are within the building;
- (q) Tea rooms and similar places of gathering that are used for private parties, provided that no food or drink is served to the walk-in public and that no advertising is set up on the premises except as provided for in Section 1165.04 for home occupations;
- (r) Insurance company offices, when the business conducted is confined exclusively to the insurance business and when provisions are made for off-street parking in accordance with this Zoning Code. Signs shall be in accordance with Section 1165.04.
- (s) Nonprofit financial institutions.
(Ord. 6331. Passed 6-21-73.)

CHAPTER 1143
R-2 Single-Family Residence District

- | | |
|---------------------------|------------------------------|
| 1143.01 Permitted uses. | 1143.03 Accessory buildings. |
| 1143.02 Yard regulations. | |

CROSS REFERENCES

- Storage of materials and vehicles - see GEN. OFF. Ch. 543,
P. & Z. 1165.06
Prohibited uses - see P. & Z. 1163.01
Dwelling lots - see P. & Z. 1165.01
Dwelling group standards - see P. & Z. 1165.02
Signs - see P. & Z. 1165.04
Fences - see P. & Z. 1165.05
Uses not provided for - see P. & Z. 1165.10
House numbering - see BLDG. Ch. 1359

1143.01 PERMITTED USES.

The following uses are permitted in an R-2 Single-Family Residence District:

- (a) One-family residences only;
- (b) Those uses permitted in Sections 1141.01(b), (c) and 1141.02(a) through (h) and (s) for an R-1 General Residence District.

(Ord. 6332. Passed 6-21-73.)

1143.02 YARD REGULATIONS.

In an R-2 Single-Family Residence District, if a front yard line has been established by existing residences in the block, this line shall be followed.

(Ord. 4702. Passed 8-21-56.)

1143.03 ACCESSORY BUILDINGS.

Accessory buildings in an R-2 District shall observe the front yard line for main buildings and shall be located not closer than three feet to any other property line. Accessory buildings other than garages shall be located on the rear half of the lot. On all corner lots accessory buildings on the secondary street shall conform to the side yard lines for main buildings, On reverse corner lots accessory buildings shall be set back twenty-five feet from the rear property line.

(Ord. 4702. Passed 8-21-56.)

CHAPTER 1145
R-3 Single-Family Residence District

1145.01	Application.	1145.07	Rear yards.
1145.02	Use regulations.	1145.08	Accessory buildings.
1145.03	Area regulations.	1145.09	Height regulations.
1145.04	Frontage regulations.	1145.10	Special provisions for corner lots.
1145.05	Side yards.		
1145.06	Front yards.		

CROSS REFERENCES

Storage of materials and vehicles - see GEN. OFF. Ch. 543,
P. & Z. 1165.06
Prohibited uses - see P. & Z. 1163.01
Dwelling lots - see P. & Z. 1165.01
Dwelling group standards - see P. & Z. 1165.02
Signs - see P. & Z. 1165.04
Fences - see P. & Z. 1165.05
Annexed areas - see P. & Z. 1165.07
House numbering - see BLDG. Ch. 1359

1145.01 APPLICATION.

The R-3 Single-Family Residence District zone shall not be applied to any area within the City or annexed to the City in which more than twenty percent of the property so zoned is occupied by dwellings or buildings. It is intended for application to areas that are undeveloped for the most part on August 21, 1956.
(Ord. 4702. Passed 8-21-56.)

1145.02 USE REGULATIONS.

In an R-3 District, no building or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the uses as provided in this chapter.
(Ord. 4702. Passed 8-21-56.)

1145.03 AREA REGULATIONS.

The minimum lot area in an R-3 District shall not be less than 6,000 square feet for any main building. (Ord. 4702. Passed 8-21-56.)

1145.04 FRONTAGE REGULATIONS.

The minimum width for any lot in an R-3 District shall be sixty feet at a distance twenty-five feet back from the front lot line; this is subject to change where the contour of the land so demands.
(Ord. 4702. Passed 8-21-56.)

1145.05 SIDE YARDS.

The minimum side yard for any dwelling in an R-3 District shall be six feet and the total width of the two required side yards shall be not less than fourteen feet. Other main buildings shall have minimum side yards of fourteen feet and the total width of the two side yards shall be not less than thirty feet. Except as provided in the definition of a private garage in Section 1111.17, accessory buildings shall have a side yard of not less than six feet, and shall be located not closer than twenty-five feet to a dwelling on adjacent property. On corner lots, the side yard which faces on a street shall not be less than twenty feet for both main and accessory buildings.

(Ord. 4702. Passed 8-21-56.)

1145.06 FRONT YARDS.

Each main building in an R-3 District shall have a minimum front yard of twenty-five feet. However, if a front yard line has been established by existing residences in the block, this line shall be followed provided that in no case shall the building be less than fifteen feet, nor need to be more than thirty-five feet from the front property line.

(Ord. 4702. Passed 8-21-56.)

1145.07 REAR YARDS.

Each main building in an R-3 District shall have a minimum rear yard of twenty-five feet. (Ord. 4702. Passed 8-21-56.)

1145.08 ACCESSORY BUILDINGS.

Accessory buildings in an R-3 District shall observe the front yard line for main buildings and shall be located not closer than three feet to any other property line. Accessory buildings other than garages shall be located on the rear half of the lot. On all corner lots accessory buildings on the secondary street shall conform to the side yard lines for main buildings. On reverse corner lots accessory buildings shall be set back twenty-five feet from the rear property line.

(Ord. 4702. Passed 8-21-56.)

1145.09 HEIGHT REGULATIONS.

Main buildings in an R-3 District may contain up to three stories and shall have a maximum height of not more than thirty-five feet; accessory buildings shall not exceed a height of one story of fifteen feet.

(Ord. 4702. Passed 8-21-56.)

1145.10 SPECIAL PROVISIONS FOR CORNER LOTS.

On all corner lots in an R-3 District there shall be provided additional frontage at a distance of twenty-five feet back from the front lot line of fifteen feet.

Where there is a question as to which of two sides of a corner lot is the front of the lot, the front shall be deemed to be the shortest of the two sides fronting on the streets.

(Ord. 4702. Passed 8-21-56.)

CHAPTER 1147
C-1 Retail Commercial District

1147.01	Permitted uses.	1147.04	Service stations.
1147.02	Special requirements for certain businesses.	1147.05	Automobile repair shops.
1147.03	Garages.	1147.06	Notice and protest.

CROSS REFERENCES

Bowling alley, hours regulated - see BUS. REG. 713.03
 Board of Zoning Appeals - see P. & Z. Ch. 1115
 Residential district permitted uses - see P. & Z. 1141.01, 1143.01, 1145.02
 Uses not provided for - see P. & Z. 1165.10
 Off-street parking spaces - see P. & Z. 1167.02, 1167.05
 Access roads - see P. & Z. 1169.02
 Service stations - see P. & Z. 1169.03, 1169.04

1147.01 PERMITTED USES.

The following uses are permitted in a C-1 Retail Commercial District:

- (a) Uses permitted in any residence district;
- (b) Retail sales and service including but not limited to the following:
 - (1) Auto sales, repair garages, used-car lots, service stations, but not dismantling vehicles or the storage of dismantled vehicles;
 - (2) Banks, post offices and establishments providing similar public services;
 - (3) Bowling alleys, pool rooms, skating rinks;
 - (4) Bus terminals and garages;
 - (5) Cleaning and pressing establishments, but not wholesale cleaning and dyeing plants;
 - (6) Drug stores, pharmacies;
 - (7) Hotels including dormitories for transients;
 - (8) Offices, theatres, personal service shops;
 - (9) Passenger terminals;
 - (10) Plumbing and heating, sign, furniture repair and upholstery, cabinet making and pattern shops;
 - (11) Restaurants, saloons, taverns;
 - (12) Signs and billboards;
 - (13) Stores and shops for retail sales;
 - (14) Any wholesale or retail business establishment including distributing establishments;
 - (15) Animal pound and boarding kennels;

- (16) Commercial storage establishments, including building material storage;
 - (17) Contractors equipment storage;
 - (18) Paint, body repair, vulcanizing and welding shops;
 - (19) Rail and truck terminals;
 - (20) Storage warehouses;
 - (21) Newspaper plants, printing and engraving shops;
 - (22) Flour, feed, grain and millage storage;
 - (23) Trailer courts.
- (Ord. 4702. Passed 8-21-56.)

1147.02 SPECIAL REQUIREMENTS FOR CERTAIN BUSINESSES.

In a C-1 District special requirements for certain businesses shall be as set forth in Sections 1147.03 through 1147.06.
(Ord. 4702. Passed 8-21-56.)

1147.03 GARAGES.

In a C-1 District a garage may be established, erected or enlarged, provided that:

- (a) No repair facilities are maintained on the front portion of the lot or in the front portion of the first story of the building within thirty feet of the street;
 - (b) The vehicular entrance door shall set back a distance of fifteen feet from the street line and an open, unoccupied space shall be maintained, for the height of the first or entrance story, which in any case shall not be less than twelve feet above the curb elevation, having a width of six feet, each side of the center of such door or doors, which width shall be increased to ten feet each side of the center line of such door or doors, at the street line;
 - (c) The proposed structure is to be erected within an area bounded by two or more streets within which there is, at the time, no parochial, public or other duly organized school, playground, hospital, church or public library; and that any entrance or exit of such garage, for vehicles, shall not be within 100 feet of an entrance or exit of any such institution located on the same street or way;
 - (d) Provisions in Section 1147.06 as to "Notice and Protest" shall apply to applications for garages.
- (Ord. 4702. Passed 8-21-56.)

1147.04 SERVICE STATIONS.

In commercial districts, a station for the storage and service of fuel, lubricating oil and accessories for motor vehicles, may be erected or extended, provided that no portion of the service station or any of its equipment shall be placed closer to the street line than ten feet nor closer thereto than the line, fixed by this Zoning Code for building upon the adjoining lots, and provided further that the requirements for "Notice and Protest" in Section 1147.06 shall be complied with.
(Ord. 4702. Passed 8-21-56.)

1147.05 AUTOMOBILE REPAIR SHOPS.

In commercial districts an automobile repair shop or repair facilities shall be permitted provided that:

- (a) The shop or facilities are accessory or supplemental to the principal use of the premises, which principal use is concerned with the automobile business.
- (b) The shop or facilities do not occupy the front portion of the lot or front portion of the first story of the building within thirty feet of the street.

- (c) The shop or facilities are located not less than sixty feet from any residential district.
- (d) Access to the shop or facilities is not provided from the principal frontage of the lot or buildings, where access from rear is possible.
(Ord. 4702. Passed 8-21-56.)

1147.06 NOTICE AND PROTEST.

No permit shall be granted under the provisions of Sections 1147.03 and 1147.04 until notice has been given to adjacent property owners, within 200 feet, by the Board of Zoning Appeals who may hold a hearing on the permit. Such notice may be in the form of printed handbills, or their equivalent, not less than ten in number, posted in conspicuous places in the immediate area affected. The notice shall state the nature of the application, quote the section of the ordinance governing the application, state the manner in which protest may be made, and designate the time and place the application will be heard.

The Board of Zoning Appeals shall hold a public hearing if a written protest signed by a majority of the property owners within 200 feet of the boundary line of the property is filed with the Clerk of Council within five days after the posting of the notice. The Board of Zoning Appeals shall, within ten days after the posting of the notice, hold a public hearing on the application and the protest; if no such protest is filed with the Clerk of Council within five days after the posting of the notice, the Planning Commission may, in its sound discretion, direct the issuance of the permit.
(Ord. 4702. Passed 8-21-56.)

CHAPTER 1149
C-2 Neighborhood Shopping District

1149.01	Application of C-2 Zone.	1149.04	Frontage, yard standards, use, height regulations.
1149.02	Permitted uses.	1149.05	Special provisions.
1149.03	Area regulations.		

CROSS REFERENCES

Garages and service stations - see P. & Z. 1147.03 et seq., 1169.03,
1169.04
Several types of use on one property - see P. & Z. 1165.03
Uses not provided for - see P. & Z. 1165.10
Off-street parking spaces - see P. & Z. 1167.02
Access roads - see P. & Z. 1169.02

1149.01 APPLICATION OF C-2 ZONE.

The C-2 Neighborhood Shopping District zone is designed to be located in newly established subdivision areas or in residential areas in which a sufficiently large parcel of land can be set aside to provide for not less than six of the uses permitted in Section 1149.02. (Ord. 4702. Passed 8-21-56.)

1149.02 PERMITTED USES.

The following uses are permitted in a C-2 District:

- (a) Bakery, provided that all goods produced are sold at retail on the premises; book or stationery store, beauty parlor;
- (b) Cafe, confectionery shop;
- (c) Drug store, delicatessen;
- (d) Florist;
- (e) Gift shop;
- (f) Grocery store, meat market;
- (g) Ice cream parlor or creamery provided that all goods produced are sold at retail on the premises;
- (h) Jewelry store;
- (i) Professional, insurance, real estate offices;
- (j) Paint and wallpaper stores for retail sales only, public parking area, public buildings;
- (k) Service stations, not including public garages or automobile repairing, automobile painting or welding, shoe repair and shoe shine shops;
- (l) Tailor shop;
- (m) Accessory uses and buildings customarily incidental to the uses listed in this section. (Ord. 4702. Passed 8-21-56.)

1149.03 AREA REGULATIONS.

No area shall be zoned C-2 unless it contains sufficient area to occupy a space not less than 16,000 square feet to take care of at least six of the uses permitted in Section 1149.02 and to provide for required off-street parking.

(Ord. 4702. Passed 8-21-56.)

1149.04 FRONTAGE, YARD STANDARDS, USE, HEIGHT REGULATIONS.

The regulations for frontage, yard standards, use and height shall be the same as for a C-1 District.

(Ord. 4702. Passed 8-21-56.)

1149.05 SPECIAL PROVISIONS.

The stores, shops or businesses specified in Section 1149.02 shall be retail establishments and shall be permitted only under the following conditions:

- (a) Businesses. Such businesses shall be conducted wholly within an enclosed building, or on a lot which is enclosed by a solid wall, board fence or evergreen hedge not less than six feet in height, except for the sale of gasoline and oil by service stations, the parking of automobiles and service to persons in automobiles. All products produced, whether primary or incidental, shall be sold at retail on the premises.
- (b) Exterior Signs. Any exterior sign displayed shall pertain only to a use conducted within the building or lot or shall pertain to the lease or sale of the property; the sign shall be attached flat against a wall of the building or the enclosing wall, fence or hedge and parallel to its horizontal dimension, and shall not exceed thirty-six square feet in area, except that service stations may have signs not exceeding 100 square feet. One sign only is permitted, or its equivalent in square footage in not more than three signs, excepting service stations which may have not more than five signs.
- (c) Signs. Signs which may be included in the total square footage of signs; permanent signs shall be permitted on each wall, fence or hedge facing a street or parking lot. In no case shall a sign project above the height of the building.
- (d) Residences. Residences are forbidden in this zone.

(Ord. 4702. Passed 8-21-56.)

**CHAPTER 1151
I-1 Light Industry District**

<p>1151.01 Permitted uses. 1151.02 Height regulations. 1151.03 Area, frontage and yard regulations.</p>	<p>1151.04 Off-street parking regulations.</p>
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CROSS REFERENCES

Permitted uses - see P. & Z. 1147.02
 Garages and service stations - see P. & Z. 1147.03 et seq.,
 1169.03, 1169.04
 Prohibited uses - see P. & Z. 1163.01
 Several types of use on one property - see P. & Z. 1165.03
 Uses not provided for - see P. & Z. 1165.10
 Off-street parking spaces - see P. & Z. 1167.02, 1167.05

1151.01 PERMITTED USES.

The following uses are permitted in an I-1 District:

- (a) Any uses permitted in a C-1 District;
- (b) All manufacture, processing, assembly, mixing and fabrication of materials, except for those operations specifically permitted only in an I-2 Heavy Industry District, including, but not limited, to the following:

Coal yards, tipples and operations for the processing of coal, when such yards, tipples or operations are surrounded by a six foot high, solid, painted board fence, evergreen hedge or masonry wall, and when off-street parking is provided for all vehicles of the business behind the fence, hedge or wall, and when all deliveries to trucks or vehicles are made behind the fence, hedge or wall.

(Ord. 4702. Passed 8-21-56.)

1151.02 HEIGHT REGULATIONS.

There are no height limitations in an I-1 District.

(Ord. 4702. Passed 8-21-56.)

1151.03 AREA, FRONTAGE AND YARD REGULATIONS.

There are no area, frontage or yard regulations for any new industrial use in an I-1 District. (Ord. 4702. Passed 8-21-56.)

1151.04 OFF-STREET PARKING REGULATIONS.

Any new industry constructed in an I-1 District after August 21, 1956, shall provide off-street parking facilities as set forth in Chapter 1167.

(Ord. 4702. Passed 8-21-56.)

CHAPTER 1153
I-2 Heavy Industry District

1153.01	Permitted uses.	1153.04	Main buildings other than dwellings.
1153.02	Height regulations.	1153.05	Residences.
1153.03	Area, frontage, yard regulations.	1153.06	Off-street parking.

CROSS REFERENCES

Garages and service stations - see P. & Z. 1147.03 et seq., 1169.03, 1169.04
 Uses permitted in I-1 District - see P. & Z. 1151.01
 Prohibited uses - see P. & Z. 1163.01
 Several types of uses on one property - see P. & Z. 1165.03
 Uses not provided for - see P. & Z. 1165.10
 Off-street parking spaces - see P. & Z. 1167.02, 1167.05

1153.01 PERMITTED USES.

The following uses are permitted in an I-2 Heavy Industry District:

- (a) Uses permitted in an I-1 District, with the exception of residence uses which are not permitted in an I-2 District;
- (b) Chemical manufacture;
- (c) Clay products manufacture, other than coal fired;
- (d) Concrete mixing plant;
- (e) Distillers and breweries;
- (f) Excelsior manufacture;
- (g) Galvanizing plant, hot dip;
- (h) Hair, hides and raw fur curing, tanning, dressing, dyeing and storage;
- (i) Iron and steel manufacture;
- (j) Linoleum and other hard-surfaced floor covering manufacture;
- (k) Paint and varnish manufacture, except aluminum paint;
- (l) Roofing materials, building, paper and felt manufacture;
- (m) Railroad repair and overhaul shops;
- (n) Rubber tire and tube manufacture;
- (o) Sawmill, including cooperage stock mill;
- (p) Scrap metal and metal ore reduction, refining, smelting and alloying;
- (q) Soap and glycerine manufacture;
- (r) Wood preserving treatment;
- (s) The commercial slaughtering of animals;
- (t) Junk yards;
- (u) Rendering of animals, garbage or waste.
(Ord. 4702. Passed 8-21-56.)

1153.02 HEIGHT REGULATIONS.

There are no height regulations or limits in an I-2 District.
(Ord. 4702. Passed 8-21-56.)

1153.03 AREA, FRONTAGE, YARD REGULATIONS.

There are no area, frontage or yard regulations in an I-2 District.
(Ord. 4702. Passed 8-21-56.)

1153.04 MAIN BUILDINGS OTHER THAN DWELLINGS .

None. (Ord. 4702. Passed 8-21-56.)

1153.05 RESIDENCES.

Although new residences are not permitted in an I-2 District, nothing in this Zoning Code shall prevent the remodeling of an existing residence.
(Ord. 4702. Passed 8-21-56.)

1153.06 OFF-STREET PARKING.

Off-street parking in an I-2 District shall be provided in accordance with Chapter 1167.
(Ord. 4702. Passed 8-21-56.)

CHAPTER 1155
Source Water Protection Area

1155.01	Definitions.	1155.03	Liability.
1155.02	Zones within the Source Water Protection Area.	1155.04	Area boundary disputes.
		1155.05	Enforcement.

1155.01 DEFINITIONS.

(a) “Aquifer” means a geological formation, group of formations or part of a formation composed of rock, sand or gravel capable of storing and yielding groundwater to wells and springs.

(b) “Contamination” means an impairment of water quality by chemicals, radio nuclides, biological organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.

(c) “Development” means the carrying out of any construction, reconstruction, alterations of surface or structure or change of land use or intensity of use.

(d) “Facility” means something that is built, installed, or established for a particular purpose.

(e) “Grey water” means all domestic wastewater except toilet discharge water.

(f) “Source Water Protection Area” means the zoning district defined to overlay other zoning districts in the City of Martins Ferry. This district may include specifically designated recharge areas that collect precipitation or surface water and carry it to aquifers.

(g) “Hazardous material” means a material which is defined in one or more of the following categories:

- (1) Ignitable: A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.
Carcinogenic: A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCB’s in some waste oils.
Explosives: A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.
- (2) Highly toxic: A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Example: Chlorine gas.
- (3) Moderate toxic: A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to man.
- (4) Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

(h) “Primary containment facility” means a tank, pit, container, pipe or vessel of first containment of a liquid or chemical.

(i) “Release” means any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material.

(j) “Secondary containment facility” means a second tank, catchment pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area; monitoring and recovery are required.

(k) “Shallow/surficial aquifer” means an aquifer in which the permeable medial (sand and gravel) starts at the land surface or immediately below the soil profile.

(l) “Spill response plans” means detailed plans for control, recontainment, recovery, and clean up of hazardous material releases, such as during fires or equipment failures.

(m) “Stormwater treatment practices (STPs)” means measures, either structural or non structural, that are determined to be the most effective, practical means of preventing or reducing point of nonpoint source pollution inputs to storm water runoff and water bodies.

(n) “Time-of-travel distance” means the distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

(Ord. 2007-03. Passed 1-18-07.)

1155.02 ZONES WITHIN THE SOURCE WATER PROTECTION AREA.

(a) Zone 1 - Drinking Water Critical Impact Zone. Zone 1 is defined as the area within the 1- year time-of-travel distance mapped around all the public water supply well(s). (NOTE: This zone typically constitutes the area within about 1000 feet of a public water supply well).

- (1) Encouraged uses - The following uses are encouraged within Zone 1 provided they meet the appropriate performance standards outlined in subsection (b)(3) below and are designed so as to prevent any groundwater contamination.
 - A. Parks, greenways, or publicly-owned recreational areas such as foot, bicycle and/or horse paths, and bridges.
 - B. Necessary public utilities/facilities including the construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to wells, pipelines, aqueducts, and tunnels.
 - C. Conservation efforts for soil, water, plants, and wildlife.
- (2) Special exception - The following uses are permitted only under the terms of a special exception and must conform to provisions of the underlying zoning district and meet the performance standards outlined in subsection (b)(3) below.

Expansion of existing nonconforming uses to the extent allowed by the underlying area. The applicant should consult the local zoning plan to confirm nonconforming uses. The (zoning authority) reserves the right to review all applications and shall not grant approval unless it finds such expansion does not pose greater potential contamination of groundwater than the existing use.
- (3) Prohibited uses - The following uses, unless granted a special exception, are prohibited within Zone 1, the 1-year time-of-travel zone. (NOTE: This is typically within about 1000 feet of the public water supply well).
 - A. Automobile body/repair shop.
 - B. Gas Station.
 - C. Fleet/trucking/bus terminal.
 - D. Dry cleaner.
 - E. Electrical/electronic manufacturing facility.
 - F. Machine shop.
 - G. Metal plating/finishing/fabricating facility.
 - H. Chemical processing/storage facility.
 - I. Wood preserving/treating facility.
 - J. Junk/scrap/salvage yard.
 - K. Mines/gravel pit.
 - L. Irrigated nursery/greenhouse stock.
 - M. Confined animal feeding operations.
 - N. Land divisions resulting in high density (> 1 unit/acre systems).
 - O. Equipment maintenance/fueling areas.
 - P. Injection wells/dry well/sumps, except for single family residences directing gutter downspouts to a drywell.

- Q. Underground storage tanks, (except those with spill, overflow, corrosion protection requirements in place).
- R. All other facilities involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste having potentially harmful impact on groundwater quality.
- S. All uses not permitted in the underlying zone district.

(b) Zone 2 - Drinking Water Potential Impact Zone. Zone 2 (otherwise known as the 5-year time-of-travel) is established as the remainder of the Source Water Protection Area not in Zone 1, but deemed necessary to ensure adequate protection of public drinking water supplies.

- (1) Permitted uses - All uses permitted in the underlying zoning areas provided that they can meet the Performance Standards as outlined for the Source Water Protection Area.
- (2) Special exceptions - All special exceptions allowed in the underlying areas may be approved by the Martins Ferry (zoning authority) provided they can meet performance standards for the Source Water Protection Area.
- (3) Performance standards - The following standards shall apply to uses in Zones 1 and 2 of the Source Water Protection Area:
 - A. Any facility involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or wastes, unless granted a special exception either through permit or another ordinance, must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or release from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.
 - B. Open liquid waste ponds containing materials referred to in subsection (b)(3)A. above will not be permitted without a secondary containment system.
 - C. Storage of petroleum products in quantities exceeding 100 gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks must have a secondary containment system noted in subsection (b)(3)A. above where it is deemed necessary by the Martins Ferry Zoning Board.
 - D. All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous waste materials.
 - E. An acceptable contingency plan for all permitted facilities must be prepared for preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur.

1. For flood control, all underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the 100 year flood control level, for monitoring and recovery. For above ground facilities, an impervious dike, above the 100 year flood level and capable of containing 100 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).
2. For fire control, plans shall include but not be limited to a safe fire fighting procedure, a fire retarding system effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to bare pipes, liquids, chemicals, or open flames in the immediate vicinity.
3. For equipment failures, plans shall include but not be limited to:
 - a. Below ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overfill protection system.
 - b. Above ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
4. For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the source water protection coordinator designated by the City of Martins Ferry.

Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be properly plugged to local and state regulations.

(Ord. 2007-03. Passed 1-18-07.)

1155.03 LIABILITY.

Nothing in this chapter shall be construed to imply that the City of Martins Ferry has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

(Ord. 2007-03. Passed 1-18-07.)

1155.04 AREA BOUNDARY DISPUTES.

If the location of the Source Water Protection Area boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the area with respect to their individual parcel(s) of land should be located. If the owner(s) request that local government agency determine more accurately the boundaries of the area with respect to individual parcels of land, the agency may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

(Ord. 2007-03. Passed 1-18-07.)

1155.05 ENFORCEMENT.

(a) Civil Enforcement.

- (1) Any person may submit a verbal or written complaint alleging a violation of this chapter.
- (2) Upon receipt of a complaint, the jurisdiction shall conduct a brief investigation of the substance of the complaint, including a meeting with the landowner involved.
- (3) Based upon the determination that there is a violation of this chapter, the jurisdiction shall conduct an informal reconciliation with the violator. As part of such informal reconciliation, the jurisdiction shall:
 - A. Notify the violator by mail of the violation of this chapter and a desire of the jurisdiction to correct the violation through informal reconciliation. The statement shall also indicate that should the violator refuse to allow the recommended corrective actions within the time set forth by the jurisdiction, action may be taken to correct the violation and the violator will be billed for the cost of taking the corrective action.
 - B. Make a good faith effort to meet the violator and resolve/correct the violation.

If after taking the steps above and after a period of fifteen days following the mailing of the notice of the violation, the jurisdiction in good faith determines that the violator is unwilling to participate in informal reconciliation and take the corrective actions prescribed, the jurisdiction shall notify the violator by mail of the termination of the informal reconciliation.

The jurisdiction may take corrective actions deemed necessary following seven days after notifying violator by mail of the notice of termination of the informal reconciliation, and bill the violator for the reasonable cost of such action.

(b) Criminal Enforcement. In addition to civil enforcement proceeding, a person who is alleged to have violated this chapter may be prosecuted for the commission of a crime. Violation of this chapter is a misdemeanor of the first degree, and shall be punishable as provided by law. Further, each day the violation continues shall be a separate and distinct offense. (Ord. 2007-03. Passed 1-18-07.)

TITLE NINE - Additional Zoning Standards

- Chap. 1161. Nonconforming Uses; Subdivision Variances.
 Chap. 1163. Prohibited Uses.
 Chap. 1165. General Provisions.
 Chap. 1167. Off-Street Parking Regulations.
 Chap. 1169. Access Roads; Service Stations.
 Appendix - Access Roadways
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CHAPTER 1161
 Nonconforming Uses; Subdivision Variances

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| <p>1161.01 Enlargement of nonconforming uses.</p> <p>1161.02 Reversion to a conforming use.</p> <p>1161.03 Permits previously issued.</p> | <p>1161.04 Effect of changes in zone districts.</p> <p>1161.05 Variances for front yard setback lines in subdivisions.</p> |
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CROSS REFERENCES

- Guidelines for granting variances - see P. & Z. 1115.05
 Amendment procedure - see P. & Z. 1133.01
 Off-street parking variances in C-1, I-1 and I-2 Districts - see P. & Z. 1167.05
 Building permits - see BLDG. 1309.01
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1161.01 ENLARGEMENT OF NONCONFORMING USES.

Any use of land or building existing on the effective date of this section (Ordinance 4702, passed August 21, 1956) may be continued even though such use does not conform to the regulations of this Zoning Code for the district zone in which it is located. No enlargement, alteration including the addition of signs, expansion of a nonconforming use or reoccupancy for another type of a nonconforming use shall be permitted except that businesses permitted in a C-1 District when existing as nonconforming uses in any residence zone, may expand their off-street parking facilities immediately adjacent to the lot or lots on which the nonconforming use is in existence. Such expansion of off-street parking facilities must be made in accordance with plans approved by the Planning Commission and must provide for the construction of a six foot fence or solid evergreen hedge on any and all sides adjoining dwellings or dwelling units. (Ord. 4702. Passed 8-21-56.)

1161.02 REVERSION TO A CONFORMING USE.

Whenever a nonconforming use of a building has been intentionally abandoned or when such a use has been discontinued, any re-use of the building shall conform to this Zoning Code. Whenever a nonconforming use of an open area or tract has been discontinued, any re-use of the property shall conform to this Zoning Code. However, this shall not be interpreted to interfere with temporary seasonal nonconforming uses that have been in continual operation for a period of two or more years prior to the effective date of this section (Ordinance 4702, passed August 21, 1956).

Any building damaged by fire or other causes to the extent of ninety percent or more if its assessed valuation may be rebuilt only in accordance with this Zoning Code. If any building which has contained a nonconforming use is moved or removed, the subsequent use of the property shall conform to this Zoning Code.
(Ord. 4702. Passed 8-21-56.)

1161.03 PERMITS PREVIOUSLY ISSUED.

The use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this section (Ordinance 4702, passed August 21, 1956) may proceed provided such building is completed within one year, or such use of land established within thirty days after the effective date of this section (Ordinance 4702, passed August 21, 1956).
(Ord. 4702. Passed 8-21-56.)

1161.04 EFFECT OF CHANGES IN ZONE DISTRICTS.

Whenever the boundaries of a zone district are changed, any uses of land or buildings which become nonconforming as a result of the change shall become subject to the provisions of this Zoning Code.
(Ord. 4702. Passed 8-21-56.)

1161.05 VARIANCES FOR FRONT YARD SETBACK LINES IN SUBDIVISIONS.

(a) In approving subdivisions, the Planning Commission may approve front yard setback lines not in conformity with the required front yard setback lines of the zone in which the subdivision is located under the following conditions:

- (1) If the terrain is such that adherence to the required normal setback line would make building more than normally difficult, or
- (2) If it would make attachment to a sewer connection impossible except by the use of booster pumps.

(b) The Director of Public Safety may grant variances for front yard setbacks less than the normal front yard setback for lots in established subdivisions under the following conditions:

- (1) If a front yard setback line has been established within the block in which the lot is located of less than the required front yard setback line by more than fifty percent of the buildings within the block;
- (2) If it would be impossible due to terrain to make a sewer connection without the use of booster pumps; or
- (3) If the terrain of the lot is of such a nature as to cause undue hardship to the owner in construction of a building on the premises through adhering to the normal front yard setback line.

(c) In the event that adjacent property owners protest the granting of a building permit with variances as provided for in this section, by the Planning Commission or Director of Public Safety the permit shall be denied. The owner may then appeal to the Board of Zoning Appeals, which shall have the right to hear evidence by the property owner requesting the variance and may grant the variance if the Board feels the variance is justified. (Ord. 4702. Passed 8-21-56.)

CHAPTER 1163
Prohibited Uses

1163.01 Prohibited uses.

CROSS REFERENCES

Permitted uses in residential districts - see P. & Z. 1141.01, 1141.02,
1143.01, 1145.02
Permitted uses in a C-1 District - see P. & Z. 1147.01
Permitted uses in a C-2 District - see P. & Z. 1149.02
Permitted uses in an I-1 District - see P. & Z. 1151.01
Permitted uses in an I-2 District - see P. & Z. 1153.01, 1153.05
Nonconforming uses - see P. & Z. 1161.01
Reverting to a conforming use - see P. & Z. 1161.02

1163.01 PROHIBITED USES.

The following uses are not permitted in any zone district in the City:

- (a) Aluminum powder or paint manufacture;
- (b) Bee keeping;
- (c) Clay products manufacture, using coal-fired kilns;
- (d) Cement, lime, gypsum or plaster-of-Paris manufacture;
- (e) Commercial feeding establishments for cattle, fowl or hogs;
- (f) Fertilizer manufacture, either organic or nonorganic, but not limiting the treatment of sewage by the Municipality;
- (g) Explosives, including ammunition and fireworks, manufacture or wholesale storage;
- (h) Pulp reduction or processing;
- (i) Trailers for human habitation except in established trailer courts;
- (j) Stockyards.

(Ord. 4702. Passed 8-21-56.)

CHAPTER 1165
General Provisions

<p>1165.01 Dwellings to abut streets; garage apartments excepted.</p> <p>1165.02 Dwelling group standards.</p> <p>1165.03 Multiple uses on one property.</p> <p>1165.04 Signs in residence districts.</p> <p>1165.05 Fences in residential districts.</p> <p>1165.06 Storage in front or side yards forbidden.</p>	<p>1165.07 Classification of annexed areas.</p> <p>1165.08 Special provisions for multiple zones under one ownership.</p> <p>1165.09 Zone boundary lines.</p> <p>1165.10 Uses not provided for.</p> <p>1165.11 Special provisions for street or highway widening.</p>
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CROSS REFERENCES

Interpretation of types of uses - see P. & Z. 1113.03
 Classifying annexed area to R-3 - see P. & Z. 1145.01
 Regulations for garages and service stations - see P. & Z. 1147.03 et seq.
 Nonconforming uses - see P. & Z. 1161.01, 1161.02
 Provisions for parking areas - see P. & Z. Ch. 1167

**1165.01 DWELLINGS TO ABUT STREETS; GARAGE APARTMENTS
EXCEPTED.**

Every dwelling hereafter erected, moved or remodeled into a greater number of dwelling units shall be on a lot which abuts onto a public street or way, except garage apartments, if they fulfill all other requirements for garage apartments.
(Ord. 4702. Passed 8-21-56.)

1165.02 DWELLING GROUP STANDARDS.

When several dwellings are to be erected under one ownership on a tract containing one acre or more, there shall be similar provision for adequate light, air and circulation between all dwellings. Plans for such development must be approved by the Planning Commission and no reduction of open spaces on an approved plan for a group of dwellings may be made without similar approval of a revised plan.
(Ord. 4702. Passed 8-21-56.)

1165.03 MULTIPLE USES ON ONE PROPERTY.

Certain manufacturing establishments may come under the category of several use districts as set up in this Zoning Code because of the fact that different types of activities are carried on in different buildings or areas. In such cases, conformity with this Zoning Code shall be determined by the particular use which takes place in any given building or area.
(Ord. 4702. Passed 8-21-56.)

1165.04 SIGNS IN RESIDENCE DISTRICTS.

Signs for home occupations and professional offices shall be of an area not greater than two square feet. Signs advertising a property for rent or for sale shall not be larger than six square feet. Signs identifying a church, school, hospital or similar institution shall be not larger than twelve square feet. Lighting of all signs in residence districts shall be indirect. (Ord. 4702. Passed 8-21-56.)

1165.05 FENCES IN RESIDENTIAL DISTRICTS.

No fence, hedge or screening wall shall exceed a height of six feet in any residence district zone whether on or off the property line. (Ord. 4702. Passed 8-21-56.)

1165.06 STORAGE IN FRONT OR SIDE YARDS FORBIDDEN.

There shall be no storage of building materials, furniture, household equipment, fixtures or any other unsightly or unsanitary material in any required front or side yard. (Ord. 4702. Passed 8-21-56.)

1165.07 CLASSIFICATION OF ANNEXED AREAS.

(a) Areas which become annexed to the City subsequent to the adoption of this section (Ord. 4702, passed August 21, 1956) shall be classified automatically to conform to the zoning district to which they are contiguous, unless the Planning Commission feels that a more restrictive zone application is in the best interests of the City; such would be the case particularly in zoning newly annexed properties to an R-3 District which is established primarily for application to undeveloped and annexed areas to provide more desirable residential sites.

(b) If annexed areas are contiguous to more than one zone the Planning Commission shall have the authority to classify them in accordance with the land uses therein and appropriately to the land uses in the adjacent contiguous zoned districts.

(c) Nonconforming uses in annexed areas shall be subject to the nonconforming use provisions of this Zoning Code.

(d) Areas shown as public and semipublic uses on the Zoning Map shall become classified automatically to conform to the zoning district to which they are contiguous, if and when these areas are made available for private development or use. If they are contiguous to more than one district, the Planning Commission shall have the authority to classify them in accordance with the land uses in the adjacent contiguous districts.

(e) Public rights of way which become legally closed shall become classified automatically with the zone district of the adjoining property. Private easements and railroad rights of way shall only be used for the purposes for which the easements or rights of way were established.

(Ord. 4702. Passed 8-21-56.)

1165.08 SPECIAL PROVISIONS FOR MULTIPLE ZONES UNDER ONE OWNERSHIP.

Wherever any lot, which was in separate ownership prior to the adoption of this section (Ordinance 4702, passed August 21, 1956), is divided by a district zone boundary, the Planning Commission may recommend to the Board of Zoning Appeals, upon request by the owner of the lot, that up to fifty feet on either side of the zone district boundary be rezoned to one of the zone districts into which it is divided and the Board of Zoning Appeals may order, on the basis of hardship, such a zoning classification to be made effective. (Ord. 4702. Passed 8-21-56.)

1165.09 ZONE BOUNDARY LINES .

Insofar as is possible, when preparing zoning district boundaries, the Planning Commission shall draw such boundaries to coincide with existing property lines. If such zone boundary lines therefore become irregular in shape, the Planning Commission shall add special detail inserts in larger scale, where necessary, to the Zoning Map in order to clearly define the zoning district boundaries. (Ord. 4702. Passed 8-21-56.)

1165.10 USES NOT PROVIDED FOR.

Whenever, in any zoning district established under this Zoning Code, a use is neither specifically permitted nor denied and an application is made by a property owner to the Planning Commission or Director of Public Safety for such use, the Planning Commission shall have the authority to permit or deny the use. The use may be permitted if it tends to conform with permitted uses in the zone. The use shall be denied if it is not in conformity with permitted uses in the zone. (Ord. 4702. Passed 8-21-56.)

1165.11 SPECIAL PROVISIONS FOR STREET OR HIGHWAY WIDENING.

Whenever there are plans in existence for the widening of any street or highway within the City, the Planning Commission may require additional front yard setbacks for any new construction or for any structures altered or remodeled in order to preserve and protect rights of way for such proposed street or highway widening. (Ord. 4702. Passed 8-21-56.)

CHAPTER 1167
Off-Street Parking Regulations

- | | |
|---|---|
| <p>1167.01 Automobile parking space.
1167.02 Number of spaces required.
1167.03 Location.
1167.04 Surface; bumper guards;
lighting.</p> | <p>1167.05 Variances in C-1, I-1 and I-2
Districts.</p> |
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CROSS REFERENCES

- Off-street parking facilities - see Ohio R.C. 715.05 et seq.
 Parking regulations - see TRAF. Ch. 351
 Use of parking meters - see TRAF. Ch. 353
 Special regulations in an I-1 District - see P. & Z. 1151.01(b)
 Access roads - see P. & Z. 1167.01, 1167.02

1167.01 AUTOMOBILE PARKING SPACE .

There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provision for ingress and egress by standard sized automobiles, as provided in this chapter. (Ord. 4702. Passed 8-21-56.)

1167.02 NUMBER OF SPACES REQUIRED.

For a new building or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building there shall be at least one permanently maintained parking space of not less than 200 square feet new area, as follows:

- (a) For church, school, university auditoriums and theatres, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every four fixed seats provided in such buildings;
- (b) For hospitals, at least one parking space for each two beds capacity, including infants' cribs and children's beds. For medical and dental clinics, at least ten parking spaces provided for each doctor or dentist having offices in the clinic in excess of three doctors or dentists;
- (c) For tourist courts and apartment motels, at least one parking space for each individual sleeping or living unit; for hotels and apartment hotels at least one parking space for each two sleeping rooms up to and including the first twenty sleeping rooms, and one parking space for each three sleeping rooms over twenty rooms;
- (d) For restaurants or establishments serving meals, lunches or drinks to patrons either in their cars or in the building, and for dance halls and recreational places of assembly, at least one space for each serving unit, a serving unit to be one stool, booth or table;
- (e) For dance halls and recreational places of assembly, one space for each 100 square feet of floor space of the building;

- (f) For mortuaries, at least thirty parking spaces; for taverns or saloons, at least twenty parking spaces;
- (g) For retail stores selling direct to the public, one parking space for each 100 square feet of floor space in the building;
- (h) For office buildings of more than two stories, at least two parking spaces for each suite of offices; for smaller clinic-type or district or regional offices outside the major business areas, one parking space for each employee plus additional customer parking space at the same ratio as retail stores.
(Ord. 4702. Passed 8-21-56.)

1167.03 LOCATION.

Parking space as required in Section 1167.02 shall be on the same lot with the main building, or in the case of buildings other than dwellings, parking space may be located not further than 300 feet from the building and within the same block whenever possible.
(Ord. 4702. Passed 8-21-56.)

1167.04 SURFACE; BUMPER GUARDS; LIGHTING.

Every parcel of land hereafter used as a public parking area shall be paved with an asphaltic or concrete surfacing and shall have appropriate bumper guards where needed as determined by the Director of Public Service. Any lights used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any residential zone. (Ord. 4702. Passed 8-21-56.)

1167.05 VARIANCES IN C-1, I-1 AND I-2 DISTRICTS.

In order that application of this chapter may not cause undue hardship in the established, built-up downtown section of the City, the Planning Commission may decrease, modify or waive any and all of the off-street parking regulations in this chapter for any properties lying in C-1, I-1 and I-2 Districts. The Planning Commission shall not so act, however, unless the property owner concerned can show that special circumstances including unreasonable expense, great hardship or unfairness will result to him by strict adherence to these provisions.
(Ord. 4702. Passed 8-21-56.)

CHAPTER 1169
Access Roads; Service Stations

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| 1169.01 General provision. | 1169.04 Location of gasoline pumps. |
| 1169.02 Roadway and curbs. | |
| 1169.03 Special provisions for service stations. | |

CROSS REFERENCES

- Curb construction and repair - see S.U. & P.S. 909.01 et seq.
 Garages in a C-1 District - see P. & Z. 1147.03
 Service stations in commercial districts - see P. & Z. 1147.04, 1149.02(k)
 Access and other conditions for auto repair shops - see P. & Z. 1147.05
 Other requirements for public parking are as - see P. & Z. 1167.04

1169.01 GENERAL PROVISION.

Service stations, roadside stands, public parking lots and all other businesses requiring motor vehicle access shall meet the requirements specified in this chapter. (Ord. 4702. Passed 8-21-56.)

1169.02 ROADWAY AND CURBS.

Access to a service station or other structure or parking lot shall be controlled as follows:

- (a) Access shall be by not more than two roadways for each 100 feet or fraction thereof of frontage on any street;
- (b) No two such roadways shall be closer to each other than twelve feet, and no roadway shall be closer to a side property line than three feet;
- (c) Each roadway shall be not more than thirty-five feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right of way.
- (d) No roadway shall be closer than ten feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.
- (e) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the City Engineer. Maximum and minimum curb return radii permitted and minimum roadway approach angles to the center line of the street are required as shown on Figure 1 of the Appendix, attached to this Zoning Code.

- (f) Where there is no existing curb and gutter or sidewalk, the applicant may, at his option, install a safety island and curb, or, in place thereof shall construct along the entire length of the property line, except in front of the permitted roadways, a curb, fence or pipe rail not exceeding two feet or less than eight inches in height, as shown in Figure 2 of the Appendix, attached to this Zoning Code. (Ord. 4702. Passed 8-21-56.)

1169.03 SPECIAL PROVISIONS FOR SERVICE STATIONS.

(a) Location. No new service station shall be built in the City without approval in writing of its location by the Fire Chief, the Director of Public Safety and Planning Commission in the order listed, and no building permit or occupancy permit shall be issued until the approvals have been obtained in writing.

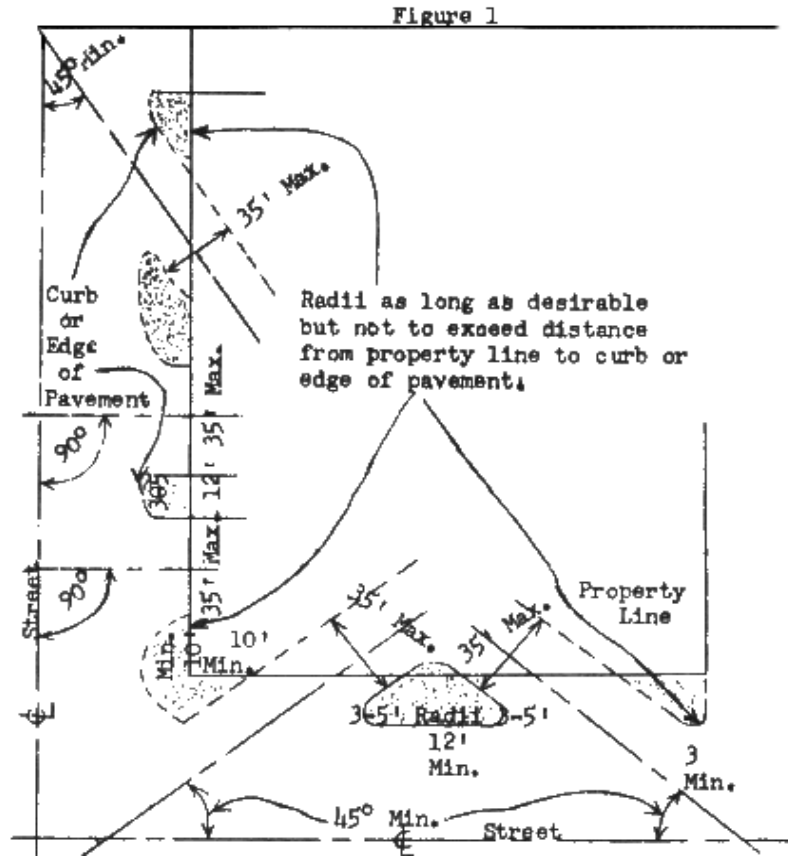
- (b) Approvals. In granting approvals, the following conditions must be met:
- (1) The facility must not create traffic hazards, particularly for fire trucks and ambulances, as well as for the general public.
 - (2) Sufficient frontage and area must be provided for safety and off-street parking.
- (Ord. 4702. Passed 8-21-56.)

1169.04 LOCATION OF GASOLINE PUMPS.

Gasoline pumps shall be set back not less than eighteen feet from any street line to which the pump island is vertical and twelve feet from any street line to which the pump island is parallel, and not less than ten feet from any residential zone boundary line. If the pump island is set at an angle on the property it shall be so located that automobiles stopped for service will not extend over the property line. (Ord. 4702. Passed 8-21-56.)

APPENDIX - ACCESS ROADWAYS

MOTOR VEHICLE ACCESS REQUIREMENTS WITH CURB
See Section 1169.02(e)



MOTOR VEHICLE ACCESS REQUIREMENTS WITHOUT CURB
See Section 1169.02(f)