

MINUTES OF A REGULAR VOTING MEETING OF THE
FAIRFIELD PLANNING COMMISSION
NOVEMBER 13, 2019

Scott Lepsky called the Regular Meeting of the Fairfield Planning Commission to order. Members present: Scott Lepsky, Don Hassler, Dean Langevin, Terry Senger, Bill Woeste, and Dale Paullus. Motion to excuse Brian Begley carried unanimously.

MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held October 23, 2019 were approved unanimously.

OLD BUSINESS

Conditional Use – Warehouse & Distribution Center – 1195 Hicks Blvd. (Tabled)

Motion to remove this item from the table carried unanimously.

This application was tabled at the last meeting to allow the tenants and owner to develop a parking lot layout designed by a professional for the property. Erin Lynn, Planning Manager, discussed the details of the distribution center from the previous meeting, including hours of operation, issues with the grocery store parking and delivery area, the backing up of the large trucks from Hicks Boulevard, the issues with parking lot deterioration, and lack of space in the parking lot for the truck traffic. She noted the City Engineer also had concerns with the trucks backing into the lot from Hicks Boulevard, and does not support this type of access into the site.

Ms. Lynn met with the tenants and the owner of the property. During their discussion, they were informed that the owner is responsible for the repairs to the parking lot. Ms. Moralde, the applicant, submitted a hand drawn site plan the day before this Planning Commission meeting, but the plan was not to scale and could not be properly reviewed. It was also noted that a tire store will be taking occupancy at the owner's property on Dixie Highway, which could impede the circulation of the delivery trucks if they enter the lot from Dixie Highway.

Jennifer Moralde, applicant, was in attendance and spoke. She said she submitted drawings, but they are not professional plans. She discussed having the trucks come in off of Dixie Highway; the electric lines will need to be raised to allow truck clearance. She also indicated that the delivery trucks agreed to make their deliveries later in the evening after the grocery store closed. The property owner, Lan Trinh was in attendance. She said she has been in contact with an architect for a site plan and someone that does blacktop to seal and stripe the lot. She was told that the lot is going to need more than just sealing and striping to support the distribution facility;

the surface pavement is required to be thicker.

Scott Lepsky, seconded by Dale Paullus, motioned to deny the conditional use application. Motion carried 6-0. Mr. Kathman stated there are many areas of the city where this type of business is a principal permitted use, and staff is happy to help the applicant in their search for a more appropriate location.

NEW BUSINESS

Conditional Use – Used Car Sales – Auto Arena – 5209 Dixie Hwy.

The applicant has requested this request to be tabled, to allow his lawyer to be present at the meeting. Bill Woeste, seconded by Dale Paullus, motioned to table the request until the next meeting. Motion carried 6-0.

Building Façade Approval – Sapp Builders – 5383 Tomahawk Ave.

The applicant is requesting a building façade approval because it falls under the infill housing review requirement. The proposed home is a 1600 square foot, all brick ranch with shake siding. It will have a two car garage. The surrounding homes in the the subdivision consist of a combination of brick and siding. It was pointed out that the plan that was submitted does not show all brick, but all brick is what is going to be built.

Robert Sapp, builder and applicant, was in attendance and addressed the Commission. He intends to pave the driveway once the house is constructed. The proposed home is currently a market home, but he has two people interested in purchasing it. The house will not have a basement, due to the fall of the sewer.

Scott Lepsky, seconded by Dean Langevin, motioned to approve the façade, with the condition that the house is all brick-wrap. Motion carried 6-0.

Building Façade Approval – Berkey Homes - 4255 Waterfront Ct.

The applicant is requesting a building façade approval in the Reserves section of the Emerald Lake Subdivision. The proposed home will be located at the corner of Waterfront Ct. and Casey Ct. A different building façade has previously been applied for and denied at this address. The proposed home is a mirror image, with minor differences, of a home was built two lots away on Edna Ct., also in the Reserves. Terry Senger resides in the Reserves and recused himself from this request. Ms. Lynn read from the approved development agreement related to the Reserves section of Emerald Lake, which said “The front elevation of future homes must be different to

retain the architectural diversity that has been intended for this special area.”

Kevin Keyes, of Berkey Homes, was in attendance. Mr. Woeste asked if the home is basically a flipped version of the home on Edna Ct. Mr. Keyes indicated that it was. He stated that this home is not a market home, it is a pre-sold. The owner liked the home on Edna Ct. and wanted the same one.

Stacy Jarvis, 6762 Casey Ct., was in attendance. She said the proposed house does not fit the diversity requirement in the development agreement. She asked how future builders in the subdivision can be made aware of the requirements. Mr. Kathman said each home in the Reserves must be approved on a case by case basis, unless the builders want to submit a group of homes for pre-approval.

Will Arledge, 6286 Casey Ct., was in attendance. He and Mr. Wolterman discussed how properties are addressed if they are on a corner lot.

Bill Campbell, 6275 Casey Ct. and president of the HOA, was in attendance. He said he has received calls from other residents in the Reserves with similar concerns as Ms. Jarvis.

Bill Woeste, seconded by Dale Paullus, motioned to deny the building façade. Motion carried 6-0. Mr. Senger rejoined the meeting.

Proposed amendments to Chapters 1133, 1143, 1159, 1165, 1168, 1169, and 1173 of the Codified Ordinances.

The proposed amendments to various chapters of the zoning code were discussed. (See attached) The proposed amendment regarding storage containers in commercial zones prompted a discussion at the public hearing at City Council on Monday, November 11, concerning the use of the containers by the business community.

Gary Hart, 3245 Profit Dr., was in attendance and spoke. He stated that the containers can be used for storing materials that sometimes must be ordered months in advance. These items can be rather large and there is no room for them in some buildings. Some small businesses cannot add on to their buildings, because once you reach a certain square footage, a sprinkler system is required and can cost several thousand dollars to install. He said the business community would like more input before the proposed changes related to storage containers are made.

Councilman Chad Oberson, 3939 River Rd., was in attendance and spoke. He thinks businesses should be able to have the containers, but they should be policed, and the burden should be on the city to inspect them. He would like for this section of the code changes to be omitted, to

allow further discussion. Mr. Lepsky noted that enforcement of this has the potential to develop into a resources and staffing problem.

Scott Lepsky, seconded by Bill Woeste, motioned to approve all of the code changes, except for Chapter 1143.261. Motion carried 6-0.

Comprehensive Plan Update – Fairfield Forward

Erin Lynn thanked everyone for their work on the plan, and she was commended for all of her hard work on the plan.

Scott Lepsky, seconded by Bill Woeste, recommended approval of the comprehensive plan to City Council. Motion carried 6-0.

Meeting Schedule for November and December 2019

Bill Woeste, seconded by Dean Langevin, motioned to cancel the second meeting in November and the second meeting in December. Motion carried 6-0.

Appointment of Director to OKI

Bill Woeste, seconded by Dale Paullus, motioned to appoint Greg Kathman to the OKI Board. Motion carried 6-0.

REPORTS/STUDIES/GENERAL DISCUSSION

There was discussion on possible ways to streamline the zoning citation process.

Motion to adjourn carried unanimously.

Scott Lepsky, Chairman

Lynda McGuire, Secretary

CHAPTER 1133
Definitions

1133.01 Definitions.

CROSS REFERENCES

Subdivision regulations definitions - see P. & Z. 1105.01

Sign definitions - see P. & Z. 1187.02

Building Code definitions - see BLDG. Ch. 1303

1133.01 DEFINITIONS.

As used in Titles Three, Five and Seven of Part Eleven - Planning and Zoning Code, the following words and phrases shall have the following meanings ascribed to them in this section.

(1) – (41).....

(42) "Junkyard" means:

1. Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, ~~including auto wrecking yards,~~ house wrecking yards, used lumber yards, ~~and~~ places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including ~~establishments for the sale, purchase or storage of used cars in operable condition or~~ storage of materials incidental to manufacturing operations;
2. **ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH MOTOR VEHICLES ARE KEPT FOR THE PRIMARY PURPOSE OF DISASSEMBLING, DISMANTLING, CUTTING UP, STRIPPING OR OTHERWISE WRECKING SUCH MOTOR VEHICLE TO EXTRACT PARTS, COMPONENTS OR ACCESSORIES; OR**
3. **ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH TEN (10) OR MORE UNLICENSED, PARTIALLY DISASSEMBLED, WRECKED OR INOPERABLE MOTOR VEHICLES ARE KEPT OR STORED.**

(43) "Kennel" means any structure or lot on which more than ~~two~~ **FOUR** dogs or cats over four months of age are kept.

(44) – (59).....

~~(60) "Motor vehicle repair, major" means general repair, rebuilding or reconstruction of engines, motor vehicles or trailers; collision services, including body, frame or fender straightening or repair; overall painting or paint shop.~~

~~(61) "Motor vehicle repair, minor" means incidental body or fender work, other minor repairs, painting, and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under "motor vehicle repair, major" or any other term or phrase similar thereto.
(Ord. 94-84. Passed 7-9-84.)~~

(60) "MOTOR VEHICLE" MEANS ANY MACHINE DESIGNED OR INTENDED TO TRAVEL OVER LAND, SEA OR AIR BY SELF-PROPULSION OR WHILE ATTACHED TO ANY SELF-PROPELLED VEHICLE, I.E. CAMPER, TRAILER, TRAVEL TRAILER.

~~(63-1)~~ "Motor vehicle fuel dispensing facility" means a place where gasoline or alternative fuel/power/energy is sold at retail to the public and deliveries are made directly into or onto motor vehicles and no other motor vehicle service is performed. The sale of gasoline or other motor vehicle fuel, alternative power/energy under this definition must be the primary use. Retail grocery and/or convenience store sales are permitted. Vending machines and outdoor retail display do not constitute retail sales under this definition unless specifically approved by the Planning Commission.
(Ord. 36-13. Passed 4-22-13.)

~~(63-2)~~ "Motor vehicle service facility" means a place where automobile service including removal and replacement of lubricants, tires, batteries, accessories or supplies, for operating or equipping motor vehicles are performed for the public.
ANY ESTABLISHMENT OR PLACE OF BUSINESS WHICH IS MAINTAINED AND OPERATED FOR THE PRIMARY PURPOSE OF PERFORMING ROUTINE MAINTENANCE OF MOTOR VEHICLES SUCH AS REMOVAL AND REPLACEMENT OF LUBRICANTS, TIRES AND BATTERIES FOR THE PUBLIC AND WHICH MAY INCLUDE RETAIL SALES OF FUELS, LUBRICANTS, AIR AND/OR FOR WASHING OPERABLE MOTOR VEHICLES. THIS DEFINITION DOES NOT INCLUDE ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH STORAGE OR REPAIR OF ANY UNLICENSED, PARTIALLY DISMANTLED OR INOPERABLE MOTOR VEHICLES TAKES PLACE.

(63) "MOTOR VEHICLE REPAIR GARAGE" MEANS ANY ESTABLISHMENT OR PLACE OF BUSINESS WHICH IS MAINTAINED AND OPERATED FOR THE PRIMARY PURPOSE OF MAKING GENERAL REPAIR, REBUILDING OR RECONSTRUCTION OF ENGINES OR MAKING GENERAL REPAIR TO MOTOR VEHICLE QUARTER PANELS, DOORS, FENDERS, BUMPERS, OTHER PARTS OF AUTO BODY, FRAMES OR OTHER EXTERIOR SURFACES OR PROVIDING COLLISION SERVICES INCLUDING BUT NOT LIMITED TO PAINTING, FRAME STRAIGHTENING OR FRAME DISSECTING.

THIS DEFINITION DOES NOT INCLUDE ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH TEN (10) OR MORE UNLICENSED, PARTIALLY DIASSEMBLED, WRECKED OR INOPERABLE MOTOR VEHICLES ARE KEPT OR STORED.

(62.1) "Motor vehicle, ~~boat, recreational vehicle or trailer~~ sales area" means ANY ESTABLISHMENT, PLACE OF BUSINESS, PROPERTY OR ~~an~~ open area used for the display, storage, sale, lease or rental of new or used motor vehicles, ~~including motorcycles and motor scooters, boats, recreational vehicles or trailers~~ in operable condition.
(Ord. 108-17. Passed 10-23-17.)

(63.2) "MOTOR VEHICLE STORAGE YARD" MEANS ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY USED BY A TOW COMPANY OR WRECKER OR OTHER BUSINESS FOR TEMPORARY STORAGE OF OPERABLE MOTOR VEHICLES, OR INOPERABLE MOTOR VEHICLES DESIGNATED TO BE TRANSPORTED TO A MOTOR VEHICLE REPAIR GARAGE OR JUNKYARD. THIS DEFINITION DOES NOT INCLUDE ANY ESTABLISHMENT, PLACE OF BUSINESS OR PROPERTY UPON WHICH TEN (10) OR MORE UNLICENSED, PARTIALLY DIASSEMBLED, WRECKED OR INOPERABLE MOTOR VEHICLES ARE KEPT OR STORED.

(64) "NIGHTCLUB" MEANS ANY ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO, BARS, LOUNGES, TAVERNS, DANCE HALLS AND POOL HALLS, THAT SERVES ALCOHOL AND/OR BEER AND PROVIDES ENTERTAINMENT THROUGH ANY OF THE FOLLOWING: AMPLIFIED MUSIC, DANCING, TABLE GAMES, VIDEO GAMES AND/OR OTHER LIVE ENTERTAINMENT ACTIVITIES. THIS DEFINITION DOES NOT INCLUDE RESTAURANTS OR BANQUET HALLS THAT PROVIDE THE ABOVE ENTERTAINMENT IF THE BUSINESS CLOSES ON OR BEFORE 12:00 A.M. EVERY DAY OF THE WEEK.

(64.1) "Nonconforming use" means a use of a building or land legally existing at the time of adoption of the Zoning Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located.

(65) – (70)....

(70.1) "Restaurant" means any establishment where food or drinks are primarily served by a waitress or waiter to the general public in a dining area for consumption within the principal building **WHICH CLOSES ON OR BEFORE 12:00 A.M. EVERY DAY OF THE WEEK.** Carry-out services must be accessory to the service by waitresses and waiters. **THIS DEFINITION DOES NOT INCLUDE**

NIGHTCLUBS, fast food restaurants, drive-thru facilities and vending machines
are not included in this definition.
(Ord. 90-84. Passed 7-9-84.)

CHAPTER 1143
Effects of Districting; General Regulations

1143.01 – 1143.25.....

1143.26 PORTABLE STORAGE STRUCTURES UNITS WITHIN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(a) For the purposes of this section, “portable storage unit” means any enclosed unit made of metal or other durable construction material designed for permanent or temporary storage of personal property which is designed to be transported by vehicle and is left on site in an A or R Zoning District or on any other property used for residential purposes in any other zoning district or planned unit development.

(b) Portable storage units are permitted as a temporary use for a period not to exceed thirty days within any one year period.

(c) Portable storage units must be located on a paved surface and outside the City right- of-way.

(d) If the portable storage unit is being used to store personal property as a result of a major calamity at the residence (i.e. fire, flood or other event where there is significant property damage), the Building Inspector may extend the time period to a maximum of ninety days total within a one year period.

(e) Portable storage units may not exceed a size of 1200 cubic feet on the interior. All portable storage units in excess of 1200 feet are prohibited in residential areas as defined in subsection (a) above. (Ord. 26-06. Passed 2-27-06.)

1143.261 PORTABLE STORAGE CONTAINERS WITHIN THE C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST, AND C-4 ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR NON- RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(A) FOR THE PURPOSES OF THIS SECTION, “PORTABLE STORAGE CONTAINER” MEANS ANY ENCLOSED CONTAINER MADE OF METAL OR OTHER DURABLE CONSTRUCTION MATERIAL DESIGNED FOR STORAGE OF PROPERTY WHICH IS DESIGNED TO BE TRANSPORTED BY MOTOR VEHICLE AND IS LEFT ON SITE. THE DEFINITION OF PORTABLE STORAGE CONTAINER INCLUDES, BUT NOT LIMITED TO, SHIPPING CONTAINERS, CARGO CONTAINERS AND SEMI-TRUCK TRAILERS.

(B) PORTABLE STORAGE CONTAINERS MAY BE USED WITHIN THE C-1, C-2, C-3, C-3A, D-1, D-1A, B-1, SE, ST, AND C-4 ZONING DISTRICTS AS A TEMPORARY ACCESSORY USE, FOR A PERIOD NOT TO EXCEED NINETY (90) DAYS WITHIN ANY ONE-YEAR PERIOD, EXCEPT THAT STORAGE FOR CONSTRUCTION OR REMODELING SHALL NOT EXCEED 180 DAYS.

(C) PORTABLE STORAGE CONTAINERS SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

- (1) PORTABLE STORAGE CONTAINERS SHALL NOT EXCEED FORTY (40) FEET IN LENGTH, TEN (10) FEET IN WIDTH OR TEN (10) FEET IN HEIGHT.**
- (2) VERTICAL STACKING OF PORTABLE STORAGE CONTAINERS OR STACKING OF OTHER MATERIALS OR MERCHANDISE ON TOP OF ANY PORTABLE STORAGE CONTAINER IS PROHIBITED.**
- (3) PORTABLE STORAGE CONTAINERS SHALL BE PLACED ON A HARD DURABLE SURFACE SUCH AS ASPHALT OR PORTLAND CEMENT.**
- (4) PORTABLE STORAGE CONTAINERS SHALL BE PLACED AT THE REAR OF THE PROPERTY BEHIND BUILDING(S) IN SUCH A MANNER AS TO MINIMIZE THEIR VISIBILITY FROM THE STREET AND ADHERE TO SIDE AND REAR YARD SETBACK REQUIREMENTS.**
- (5) PORTABLE STORAGE CONTAINERS SHALL BE KEPT IN GOOD CONDITION, FREE OF RUST, DAMAGE, GRAFFITI, AND PROPERLY MAINTAINED AT ALL TIMES.**

1143.27 – 1143.30.....

1143.31 RAIN BARRELS WITHIN A OR R ZONING DISTRICTS AND ON ALL OTHER PROPERTY USED FOR RESIDENTIAL PURPOSES IN ANY OTHER ZONING DISTRICT OR PLANNED UNIT DEVELOPMENT.

(A) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS ARE DEFINED AS:

- (1) “RAIN BARREL” MEANS A CONTAINER DESIGNED OR USED TO COLLECT RAINWATER FROM A COLLECTING STRUCTURE.**
- (2) “COLLECTING STRUCTURE” MEANS ANY HOUSE, GARAGE, BUILDING OR CANOPY FROM WHICH RAINWATER IS DIVERTED FOR COLLECTION IN A RAIN BARREL(S).**

(B) LOCATION. RAIN BARRELS AND ACCESSORIES ARE NOT PERMITTED IN THE FRONT OR STREET SIDE YARD AND SHALL BE LOCATED WITHIN 12 INCHES OF A COLLECTING STRUCTURE.

(C) APPEARANCE. RAIN BARRELS ARE TO BE EARTH TONE COLORS. RAIN BARRELS THAT DO NOT MEET THIS REQUIREMENT ARE TO BE SCREENED

FROM VIEW BY EITHER A COLLECTING STRUCTURE OR A VINYL OR PRESSURE TREATED WOOD PRIVACY FENCE THAT IS OF A WHITE OR AN EARTH TONE COLOR.

(D) HEIGHT. THE HEIGHT OF THE RAIN BARREL, INCLUDING THE PEDESTAL RISER STAND, SHALL NOT EXCEED SIX FEET IN HEIGHT FROM GRADE. AN ELEVATED PLATFORM IS PERMITTED, BUT THE HEIGHT OF THE RAIN BARREL AND PLATFORM TOGETHER SHALL NOT EXCEED SIX FEET IN HEIGHT FROM GRADE.

(E) MAXIMUM SIZE AND NUMBER. THE MAXIMUM CAPACITY OF A RAIN BARREL SHALL NOT EXCEED 100 GALLONS. IF TWO OR MORE RAIN BARRELS ARE INTERCONNECTED, THEY MUST BE SCREENED FROM VIEW BY EITHER A COLLECTING STRUCTURE OR A VINYL OR PRESSURE TREATED WOOD PRIVACY FENCE THAT IS OF A WHITE OR EARTH TONE COLOR.

(F) RAIN BARRELS SHALL BE OPERATED IN SUCH A MANNER AS TO AVOID CREATING A PUBLIC OR PRIVATE NUISANCE.

CHAPTER 1159
C-2 Central Business District

1159.01	Principal permitted uses.	1159.05	Lot area, frontage and yard requirements.
1159.02	Conditional Uses	1159.06	Courts.
1159.03	Accessory uses.	1159.07	Height regulations.
1159.04	Required conditions.		

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180

Signs - see P. & Z. Ch. 1187

Service stations; garages - see P. & Z. Ch. 1189

Nonconforming uses - see P. & Z. Ch. 1198

1159.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.
- (b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.
- (c) Office. Business and/or professional offices; office buildings.
- (d) Bank. Banks, savings and loans and other similar financial organizations with or without drive-through facilities.
- (e) Restaurants and Fast Food Restaurants. Restaurants and fast food restaurants provided the principal building is distant not less than 100 feet from a principal structure in any A or R District. This subsection does not include drive-through facilities.
- (f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibrations; photographic studios, dancing studios, radio and telecasting studios and the like.
- (g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.

(Ord. 94-16. Passed 10-24-16.)

1159.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) General. All conditional uses permitted and as regulated in the C-1 District, except as modified herein.
- (b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.
- (c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.
- (d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29.1) except bank drive-thru facilities which are a principal permitted use.
- (e) Entertainment. Nightclubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises but not within 100 feet of a principal structure located in any A or R District.
- (f) Motor Vehicle Service FACILITY. ~~Motor vehicle service facility.~~
- (g) Clinic. (Ord. 94-16. Passed 10-24-16.)

1159.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use, including the following:

- (a) General. Accessory uses and structures as permitted and as regulated in the C-1 District, as well as accessory uses and structures not otherwise prohibited customarily accessory and incidental to any of the foregoing permitted C-2 uses.
- (b) Signs. As regulated and defined in Chapter 1187.
(Ord. 155-92. Passed 12-14-92.)

1159.04 REQUIRED CONDITIONS.

All conditions as specified for the C-1 District, except for new merchandise in the case of art and antique shops.

(Ord. 155-92. Passed 12-14-92.)

1159.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a)

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot Frontage</u> (feet)	<u>Front Yard Depth</u> (feet)	<u>Side Yard Width</u> (feet)	<u>Rear Yard Depth</u> (Feet)
Non-Residential Uses	10,000	None	25	None; except when adjoining an A or R District, then no less than 10 feet.	None; except when adjoining an A or R District, then no less than 10 feet.

(b) Residential. Prohibited.

(c) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-2	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 155-92. Passed 12-14-92.)

1159.06 COURTS.

Same as required in the A-1 District.

(Ord. 155-92. Passed 12-14-92.)

1159.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed a height of three stories or forty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-16. Passed 10-24-16.)

CHAPTER 1165
C-3 General Business District

1165.01	Principal permitted uses.	1165.05	Lot area, frontage and yard requirements.
1165.02	Conditional uses.	1165.06	Courts.
1165.03	Accessory uses.	1165.07	Height Regulations.
1165.04	Required conditions.		

CROSS REFERENCES

Exceptions and modifications - see P. & Z. Ch. 1180
Trailer parks - see P. & Z. Ch. 1185
Signs - see P. & Z. Ch. 1187
Service stations; garages - see P. & Z. Ch. 1189
Nonconforming uses - see P. & Z. Ch. 1198

1165.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-2 District except as modified herein.
- (b) Retail and Service. Laundries, clothes cleaning or dyeing establishments, used merchandise stores.
- (c) Wholesale. Any wholesale business and mail order houses, including incidental warehousing; commercial greenhouses.
- ~~(d) Motor Vehicle Service Facility.~~
- ~~(eD) Motor Vehicle Fuel Dispensing Facility.~~
- ~~(f) Motor Vehicle Service. Major or minor motor vehicle repair, repair garages, body and fender shops, and paint shops, but not including junk storage, all subject to the provisions of Chapter 1189 and provided that buildings shall be at least fifty feet from any A or R District, and shall have no openings adjoining the A or R District other than stationary windows and fire escapes.~~
- (gE) Animal Hospital, Veterinary Clinic. Animal hospitals, kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosure or building in which the animals are kept shall be at least one hundred feet from any A or R District and at least fifty feet from any other C District. Exercise runs shall be enclosed on four sides by an unpierced well-maintained fence or wall at least six feet in height.
- ~~(hF) Commercial Recreation Facility.~~
- (iG) Building and Related Trade. Carpenter shops, electrical, plumbing, paint shops, heating and tin shops, paper-hanging shops, furniture upholstery and similar enterprises, but not within fifty feet of any A or R District.

- (jH) Bottling Works. Bottling of soft drinks or milk and distribution stations therefor, providing a building used for such processing and/or distribution, shall be at least 100 feet from any A or R District.
- (kI) Signs. As regulated and defined in Chapter 1187.
- (lJ) Drive-Thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29).
- (mK) Car Washes.
(Ord. 89-15. Passed 10-13-15.)

1165.02 CONDITIONAL USES.

- (a) General. All conditional uses as permitted and as regulated in the C-2 District, except as modified herein.
- (b) Trailer Park. Subject to the provisions of Chapter 1185.
- (c) Warehousing Storage and Trucking Terminal. Warehouses for the storage of merchandise and materials, trucking or motor freight stations or terminals, carting, expressing or hauling establishments, contractor and building material yards, providing no such uses are conducted within 200 feet of any A or R District.
- (d) Laboratory. Experimental film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (e) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products, such as:
 - (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and meat products except fish, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
 - (2) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
 - (3) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
 - (4) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (f) Public Utility. Public utility buildings and structures including storage yards.
- (g) Self-Service Car Washes.
- (h) Residential. One residential use only where such use is incidental to a principal permitted use.
- (i) Other Uses. Any other use which is determined by the Commission to be of the same general character as the above permitted uses, but not including junk yards or any use other than those above, which is first permitted in the M-1 District or which is prohibited in the M-1 District. (Ord. 94-84. Passed 7-9-84.)
- (j) Sexually Oriented Businesses. Sexually oriented businesses may be permitted as conditional uses, subject to the following specific conditions:
 - (1) No sexually oriented business shall be located within a radius of 1,000 feet of any residentially zoned or used property.

- (2) No sexually oriented business shall be located within a radius of 1,000 feet of any church, synagogue, permanently established place of worship, school, library, park or public playground.
 - (3) No sexually oriented business shall be located within 1,000 feet of any other sexually oriented business and no building, premises, structure or other facility that contains any sexually oriented business shall contain any other kind of sexually oriented business.
 - (4) Distances for purposes of this subsection shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies" and includes both property in the City of Fairfield and in any other political subdivision.
(Ord. 124-17. Passed 11-27-17.)
- (k) Flea Markets. Subject to the following required conditions:
- (1) No outdoor sales, display or storage.
 - (2) Compliance with all Building Code requirements including submission and approval of a proposed plan showing aisles and emergency ingress and egress.
 - (3) Only one special event sign as defined and regulated in subsection 1187.03(i) shall be permitted.
(Ord. 9-98. Passed 2-9-98.)
- (l) Motor Vehicle, Boat, Recreational Vehicle or Trailer Sales Areas. May be located only on properties with principal street frontage on State Route 4 and located northwest of the intersection of State Route 4/Bypass 4/Ross Road, and subject to additional conditions as determined by the Planning Commission including, but not limited to:
- (1) Ingress, egress and internal circulation.
 - (2) Sight distance and visibility.
 - (3) Setback of displays or storage from right-of-way, sidewalk or edge of pavement.
 - (4) Perimeter curbing, buffering, landscaping, parking lot striping and other similar aesthetic and/or safety requirements.
 - (5) Minimum lot size of one (1) acre and minimum principal street frontage on State Route 4 of 100 feet.
 - (6) Inoperable or junk motor vehicles, boats, recreational vehicles and trailers are not permitted on site. All repair and detailing beyond washing shall be completed in an enclosed building.
- (m) Storage Shed or Barn, Carport or Play Structure Sales Areas. Subject to additional conditions as determined by the Planning Commission including, but not limited to:
- (1) Ingress, egress and internal circulation.
 - (2) Sight distance and visibility.
 - (3) Setback of displays or storage from right-of-way, sidewalk or edge of pavement.
 - (4) Perimeter curbing, buffering, landscaping, lot coverage and other similar aesthetic and/or safety requirements.

- (5) Coverage of all outdoor display areas with an asphalt or Portland cement binder pavement so as to provide a durable, dustless surface.
(Ord. 108-17. Passed 10-23-17.)
- (n) Banquet Hall.
- (o) Self-Service Storage Facility.
(Ord. 123-18. Passed 12-3-18.)
- (P) MOTOR VEHICLE SERVICE FACILITY.**
- (Q) MOTOR VEHICLE REPAIR GARAGE.**

1165.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including: Accessory uses and structures as permitted and as regulated in the C-2 District and such other accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any of the foregoing permitted C-3 uses. (Ord. 94-84. Passed 7-9-84.)

1165.04 REQUIRED CONDITIONS.

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste. (Ord. 94-84. Passed 7-9-84.)

- (a) Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for incidental display of merchandise, sale of motor vehicle fuel, lubricants and other fluids at service stations, loading and unloading operations, parking and such outdoor display or storage of vehicles, merchandise, materials and equipment as does not exceed five percent (5%) of the gross floor area of the principal permitted structure upon the lot or 5,000 square feet, whichever is less. The maximum height permitted is four feet measured from grade to top of display. The display must not interfere with any pedestrian or vehicular sight distance upon the site or any public thoroughfare. Automobile and other motor vehicle sales, boat sales, outdoor recreation, recreational vehicle sales, manufactured housing sales, construction and farm equipment sales and rental, nursery sales and lumber sales in side and rear yards only are excluded from the requirements of this subsection. The Planning Commission may authorize incidental outdoor display or storage which it determines to be similar to or not more objectionable than those uses already excluded from the requirements of this subsection.
(Ord. 154-96. Passed 10-15-96.)
- (b) Night Operation. No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any A or R District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any A or R District. (Ord. 94-84. Passed 7-9-84.)
- (c) Facade Design. After March 31, 2011, all new structures on parcels which abut a regional thoroughfare as defined in the comprehensive plan may not use metal

siding or "smooth face" concrete block as the exterior finish material on any facade facing the regional thoroughfare. (Ord. 98-10. Passed 11-8-10.)

1165.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

	<u>Lot Area</u> (Sq. Ft.)	<u>Lot Frontage</u> (Feet)	<u>Front Yard Depth</u> (Feet)	<u>Side Yard Width</u> (feet)	<u>Rear Yard Depth</u> (Feet)
(a) Nonresidential Uses	10,000	None	20	None; except when adjoining A or R Districts, then not less than 25 feet.	None; except when adjoining A or R Districts, then not less than 25 feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
C-3	Business	25' adjoining A and R Districts	6' adjoining A and R Districts

(Ord. 94-84. Passed 7-9-84.)

1165.06 COURTS.

Same as required in the A-1 District. (Ord. 94-84. Passed 7-9-84.)

1165.07 HEIGHT REGULATIONS.

No principal or accessory structure shall exceed three stories or fifty feet, whichever is lower, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1168
D-1 Downtown District

- 1168.01 Purpose.
- 1168.02 Principal permitted uses.
- 1168.03 Conditional uses.
- 1168.04 Accessory uses.
- 1168.05 Prohibited uses.
- 1168.06 Required conditions.
- 1168.07 Lot area, frontage, height regulations and yard requirements.
- 1168.08 Courts.
- 1168.09 Application of D-1 requirements.
- 1168.10 Design review guidelines.
- 1168.11 Design requirements.
- 1168.12 Procedure.

CROSS REFERENCES

- Exceptions and modifications - see P. & Z. Ch. 1180
- Signs - see P. & Z. Ch. 1187
- Service stations; garages - see P. & Z. Ch. 1189
- Nonconforming uses - see P. & Z. Ch. 1198
- Off-street parking and loading - see P. & Z. Ch. 1183
- Underground electric and lighting - see P. & Z. Ch. 1125
- Sidewalks - see P. & Z. Ch. 1184

1168.01 PURPOSE.

The purpose of the Downtown District is to provide for a high quality, secure, visually interesting, architecturally integrated, comfortable and convenient environment that can attract a high volume of pedestrian activity in a strong cultural, institution, office and commercial presence. The D-1 District regulations and Design Guidelines for the D-1 District shall ensure the desired quality development.

(Ord. 130-94. Passed 9-26-94.)

1168.02 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 1198.

- (a) General. Any use permitted and as regulated in the C-1 District, except as modified herein and except that no residential uses are permitted.
- (b) Retail and Service. Art and antique shops, artist supply stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, laundry pick-up stores, supermarkets.

- (c) Office. Business and/or professional offices; office buildings.
- (d) Financial. Banks, savings and loans and other similar financial organizations with or without drive-through facilities.
- (e) Restaurants. Restaurants without drive-through facilities.
- (f) School and Studio. Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration; photographic studios, dancing studios, radio and telecasting studios and the like.
- (g) Printing and Related Trade. Publishing, job printing, lithographing and blueprinting, etc.
(Ord. 94-16. Passed 10-24-16.)

1168.03 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Restaurants. Restaurants as defined in Section 1133.01(70.1).
- (b) Retail and Service. Any other retail business or service establishment or use which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the C-3 District.
- (c) Veterinary Hospital or Clinic. Veterinary hospitals and clinics, excluding any outside kennels, cages, exercise runs or keeping of animals.
- (d) Drive-thru Facilities. Any establishment with drive-thru facilities as defined in Section 1133.01(29) except bank drive-thru facilities which are a principal permitted use. This is defined as an operation where transfer of goods and services to the customer is designed to be done while the customer remains in the vehicle.
- (e) Institutional. Schools and colleges for academic instruction, churches, and church schools.
- (f) Fruit and Vegetable Stores.
- (g) Entertainment. Night clubs, game rooms, theaters, billiard parlors, bowling alleys, teen clubs, taverns and similar enterprises, but not within 100 feet of any R District and subject to all applicable regulations and such permits as may be required by law.
- (h) Wind Turbines. An alternative energy device designed to harness the natural wind currents to produce energy.
- (i) Motor Vehicle Fuel Dispensing Facility.
- (j) Motor Vehicle Service FACILITY. ~~Motor vehicle service facility.~~
- (k) Day Care Center.
- (l) Clinic.
(Ord. 94-16. Passed 10-24-16.)

1168.04 – 1168.12.....

CHAPTER 1169
M-1 Industrial Park District

- | | | | |
|---------|---------------------------|---------|---|
| 1169.01 | Principal permitted uses. | 1169.05 | Prohibited uses. |
| 1169.02 | Conditional uses. | 1169.06 | Lot area, frontage and yard requirements. |
| 1169.03 | Accessory uses. | 1169.07 | Height regulations. |
| 1169.04 | Required conditions. | | |

CROSS REFERENCES

- Exceptions and modifications - see P. & Z. Ch. 1180
Off-street loading and parking - see P. & Z. Ch. 1183
Signs - see P. & Z. Ch. 1187
Nonconforming uses - see P. & Z. Ch. 1198

1169.01 PRINCIPAL PERMITTED USES.

No building, structure, or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) Warehousing for Storage, Wholesale or Distribution and Trucking Terminal. Warehouses for the storage, wholesale or distribution of merchandise and materials, manufactured products, supplies, equipment and trucking or motor freight stations or terminals, carting, expressing or hauling establishments, contractor and building material yards, providing no such uses are conducted within 200 feet of any A or R District.
(Ord. 123-18. Passed 12-3-18.)
- (b) Laboratory. Experimental film or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- (c) Manufacturing. The manufacturing, compounding, processing, packaging and assembling of products, such as:
 - (1) Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and meat products, except fish, sauerkraut, vinegar, yeast and the rendering or refining of fats or oils.
 - (2) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, except where presses over twenty tons rated capacity are employed, shell, textiles, tobacco, wax, wood, except where saw and planing mills are employed, yarns.
 - (3) Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.

- (4) Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
- (5) Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (d) Public Utility. Public utility buildings and structures, including storage yards. (Ord. 94-84. Passed 7-9-84.)

1169.02 **CONDITIONAL USES.**

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Foundry. Casting of lightweight nonferrous metals for electric foundry not causing noxious or offensive conditions.
- (b) Heliport. As restricted by the Federal Aviation Authority.
- (c) Retail and Service. Any retail business or service establishment determined by the Commission to have been clearly demonstrated as necessary to serve the needs of the industrial park area, including restaurants, cocktail lounges, motels, banks and business or professional offices. (Ord. 94-84. Passed 7-9-84.)
- (D) MOTOR VEHICLE REPAIR GARAGE.**
- (E) MOTOR VEHICLE STORAGE YARD.**

1169.03 **ACCESSORY USES.**

Accessory uses, buildings or structures customarily incidental to any principal permitted or conditional use shall be permitted in conjunction with such use including off-street parking facilities subject to the provisions of Chapter 1183.

Signs. As regulated and defined in Chapter 1187. (Ord. 94-84. Passed 7-9-84.)

1169.04 **REQUIRED CONDITIONS.**

Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

Closed Buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building except for loading and unloading operations and accessory off-street parking. (Ord. 94-84. Passed 7-9-84.)

1169.05 **PROHIBITED USES.**

(a) Dwelling. Dwellings and residences of any kind; trailer parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-1 District at the time of the adoption of the Zoning Ordinance or any amendment thereto, shall not be classified as a nonconforming use as defined in Section 1133.01(a)(64) and shall not be subject to the provisions of Chapter 1198.

(b) Offensive Uses. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of the Zoning Ordinance and any additional conditions or requirements prescribed by the Planning Commission is, or may become, hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, beat frequency, refuse matter or water carried waste.
(Ord. 94-84. Passed 7-9-84.)

1169.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as provided in Chapter 1180.

(a) Nonresidential Use.

(1) Front yard. The minimum required front yard shall be fifty feet. A strip adjacent to the front street lot line and having a minimum depth of twenty feet shall be appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways. The remainder of the front yard may be used for off-street automobile parking.

(2) Side yards.

- A. The minimum required side yard shall be six feet; however, a designated fire lane fifteen feet wide shall be provided on one side of the building for interior lots. When adjoining an A or R District, the minimum required side yard shall be not less than fifty feet, of which fifteen feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.
- B. Fire separations for high hazard buildings shall be in accord with Chapter 69 Industrial Buildings of the Ohio Building Code.
- C. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along such street lines fifty feet from the point of intersection.

(b) Residential Use. Dwellings or other residential buildings are not permitted in M-1 District. Existing dwellings in case of reconstruction shall be the same as required in the R-1 District.

(c) Lot Area. The minimum lot area shall be 10,000 square feet.

(d) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
M-1	Industrial	30' adjoining R-3, R-4	6' adjoining A and R Districts

		40' adjoining R-0, R-1, R-2	
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(Ord. 94-84. Passed 7-9-84.)

1169.07 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet in height, except as provided in Section 1180.02 and except when expressly authorized as a conditional use by the Planning Commission.

(Ord. 94-84. Passed 7-9-84.)

CHAPTER 1173
M-2 General Industrial District

- | | |
|-----------------------------------|---|
| 1173.01 Principal permitted uses. | 1173.05 Prohibited uses. |
| 1173.02 Conditional uses. | 1173.06 Height regulations. |
| 1173.03 Accessory uses. | 1173.07 Lot area, frontage and yard requirements. |
| 1173.04 Required conditions. | |

CROSS REFERENCES

- Exceptions and modifications - see P. & Z. Ch. 1180
Signs - see P. & Z. Ch. 1187
Nonconforming uses - see P. & Z. Ch. 1198

1173.01 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses except as provided in Chapter 1198.

- (a) General. All uses permitted and as regulated in the M-1 District, except as modified herein.
- (b) Uses 100 Feet From A or R District. The following uses are permitted provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any A or R District.
 - (1) Blacksmith, welding or other metal working shop, excluding punch presses over twenty tons rated capacity, drop hammers and other noise-producing machine operated tools; machine shops.
 - (2) Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
 - (3) Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
 - (4) Ice manufacturing and cold storage plant; creamery or bottling plant.
- (c) Uses 200 Feet From A or R District. The following uses are permitted when located not less than 200 feet from any A or R District:
 - (1) Inflammable liquids, underground storage only, not to exceed 25,000 gallons.
 - (2) Building material sales yards, including concrete mixing, lumber yards including millwork, open yards for storage, sale of feed and/or fuel and contractors' equipment storage.
- (d) Public Utility. Public utility buildings and structures.
- (e) Signs. As regulated and defined in Chapter 1187.
- (f) Uses 300 Feet From A or R District. The following uses are permitted when located not less than 300 feet from any A or R District and not less than 100 feet from any other district:

Acetylene manufacturing in excess of fifteen pounds pressure per square inch.

Acid manufacturing, except as specified as a conditional use in Section 1165.02.

Asbestos manufacturing.

Automobile assembly.

Bleaching, cleaning and dyeing plant of large scale production.

Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty tons rated capacity.

Candle or sperm oil manufacturing.

Coal yards.

Cooperage works.

Dextrine, starch or glucose manufacturing.

Disinfectant, insecticide or poison manufacturing.

Dye and dyestuffs manufacture.

Emery cloth or sandpaper manufacturing.

Enameling, lacquering or japanning.

Felt manufacturing.

Flour or grain mill.

Forge or foundry works.

Gas, generation or storage for illumination or heating.

Grain drying or poultry feed manufacturing from refuse, mash or grain.

Hair or hair products manufacturing.

Lime or lime products manufacturing.

Linoleum, oilcloth or oiled goods manufacturing.

Match manufacturing.

Meat packing; but not stockyards or slaughterhouses, specified as a conditional use in Section 1165.02.

Oil, paint, shellac, turpentine, varnish or enamel.

Paper and pulp manufacturing.

Perfume manufacturing.

Pickle, sauerkraut or sausage manufacturing.

Plaster manufacturing.

Poultry slaughterhouse, including packing and storage for wholesale.

Printing ink manufacturing.

Radium extraction.

Sandblasting or cutting.

Sawmill, the manufacture of excelsior, wood fiber or sawdust products.

Sewage disposal plant.

Shoddy manufacturing.

Shoe blacking or polish or stove polish manufacturing.

Soap manufacturing.

Steam power plant, except where accessory to a permitted principal use.

Stone and monument works employing power-drive tools.

Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper or clipping, including sorting, refining, baling, woodpulling and scouring.
Sugar refining.
Tar or asphalt roofing or waterproofing manufacturing.
Tar distillation or manufacturing.
Vinegar manufacturing.
Wire or rod drawing; nut, screw or bolt manufacturing.
Yeast manufacturing.
(Ord. 94-84. Passed 7-9-84.)

1173.02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Planning Commission.

- (a) Generally. Any other use that is determined by the Commission to be of the same general character as the above permitted uses and is so regulated.
- (b) Uses 500 Feet From A or R District. The following uses are permitted when located not less than 500 feet from any A or R District and not less than 200 feet from any other district and subject to such conditions and requirements as may, in the opinion of the Commission, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive:
- Ammonia, chlorine or bleaching powder manufacture.
 - Animal black, lampblack, boneblack or graphite manufacture.
 - Celluloid or pyroxyline manufacturing or explosive or inflammable cellulose or pyroxyline products manufacture or storage.
 - Cement, lime, gypsum or plaster of Paris manufacture.
 - Crematory.
 - Creosote manufacture or treatment.
 - Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacture of gas.
 - Explosives manufacture or storage, except for small arms ammunition.
 - Fertilizer, compost; manufacture or storage.
 - Fish curing, smoking or packing, fish oil manufacture or refining.
 - Garbage, offal, dead animals, refuse, rancid fats; incineration, reduction or storage.
 - Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal refuse or offal.
 - Hogfarm.
 - Junkyards.
 - Livestock feeding yard.
- MOTOR VEHICLE STORAGE YARD.**
- Petroleum or inflammable liquids production, refining and storage above ground.
 - Rubber, caoutchouc or gutta-percha manufacture and treatment from crude or scrap material or the manufacture of balata.
 - Slaughtering of animals or stockyards.

Smelting of ferrous or nonferrous ores.
Storage, curing or tanning of raw, green or salted hides or skins.
Sulphurous, sulphuric, nitric, picric, carbolic or hydrochloric or other
corrosive acid manufacture.

Any other use, which in the opinion of the Commission, is of a similar character
as those specified above. (Ord. 94-84. Passed 7-9-84.)

- (c) Wind Turbines. An alternative energy device designed to harness the natural
wind currents to produce energy.
(Ord. 98-10. Passed 11-18-10.)
- (d) Self-service Storage Facility.
(Ord. 123-18. Passed 12-3-18.)
- (E) **MOTOR VEHICLE REPAIR GARAGE.**

1173.03 ACCESSORY USES.

Accessory uses, buildings or structures customarily accessory and incidental to any
principal permitted or conditional use shall be permitted in conjunction with such use. (Ord. 94-
84. Passed 7-9-84.)

1173.04 REQUIRED CONDITIONS.

- (a) Enclosure Not Required. Any use may be conducted in the M-2 District within or
without a building or enclosure, subject only to distance requirements where
applicable.
- (b) Junkyards. All junkyards shall be enclosed by a well maintained solid board fence
or wall not less than eight feet high. (Ord. 94-84. Passed 7-9-84.)

1173.05 PROHIBITED USES.

Same as specified in the M-1 District. (Ord. 94-84. Passed 7-9-84.)

1173.06 HEIGHT REGULATIONS.

Within 200 feet of any A or R District, no structure shall exceed three stories or fifty feet
in height and no structure in any case shall exceed in height the distance measured to the
centerline of any adjoining street; except as provided in Section 1180.02. (Ord. 94-84. Passed 7-
9-84.)

1173.07 LOT AREA FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed, except as otherwise provided in
Sections 1180.03 and 1180.04.

- (a) Nonresidential.
 - (1) Lot area. 10,000
 - (2) Lot frontage. None.
 - (3) Front yard depth. Thirty feet.

- (4) Side yard depth. The minimum required side yard shall be six feet; however, a designated fire lane twenty feet wide shall be provided at the discretion of the Fire Chief or his designee after review of the applicable fire code. When adjoining an A or R District, the minimum required side yard shall be not less than fifty feet, of which twenty feet must be designated as a fire lane. A street side yard shall be a minimum of thirty feet, appropriately landscaped and maintained except for designated pedestrian, vehicular and utility accessways.
- (5) Rear yard depth. A minimum rear yard of six feet is required. Fire separations for high hazard buildings shall be in accord with Chapter 69 Industrial Buildings of the Ohio Building Code. When adjoining an A or R District, the minimum required rear yard shall be not less than fifty feet.

(b) Screening and Buffering.

<u>Zone</u>	<u>Use</u>	<u>Buffering (Horizontal Dimension)</u>	<u>Screening (Vertical Screen Dimension)</u>
M-2	Industrial	30' adjoining R-3, R-4 40' adjoining R-0, R-1, R-2	6' adjoining A and R Districts

(Ord. 36-13. Passed 4-22-13.)