

**CHAPTER 1123
Use Regulations**

1123.01 Use regulations.

1123.02 Conditional uses.

CROSS REFERENCES

Uses defined - see P. & Z. 1107.01

Temporary uses - see P. & Z. 1105.05(b)(9)

Conditional uses - see P. & Z. 1111.07

Nonconforming uses - see P. & Z. Ch. 1145

1123.01 USE REGULATIONS.

The permitted and conditional uses for each district are shown in the accompanying tables which shall constitute this section. The interpretation of uses given in categorical terms shall be as defined in Chapter 1107. Uses not specifically listed or interpreted to be included categorically under this section and Chapter 1107 shall not be permitted except by amendment to this Zoning Code.
(1980 Code 150.17)

PERMITTED USES

“RR”
Restricted
Residential

Single-family dwelling
Essential services
Accessory uses
Public parks

“R-1”
Suburban
Residential

Single-family dwelling
Essential services
Accessory uses
Public parks

“R-1a”
Suburban Low
Density Residential

Single-family dwelling
Essential services
Accessory uses
Public parks

“R-2”
Low Density
Residential

Single-family dwelling
Essential services
Accessory uses
Public parks

CONDITIONAL USES

Public and private
schools
Places of worship
Childcare facilities,
including nursery
school and day
care
Noncommercial
recreational
facilities
Home occupations
Solar panels on
accessory uses
or structures

Public and private
schools
Places of worship
Childcare facilities,
including nursery
school and day
care
Noncommercial
recreational
facilities
Home occupations
Solar panels on
accessory uses
or structures
Plant cultivation

Public and private
schools
Places of worship
Childcare facilities,
including nursery
school and day
care
Noncommercial
recreational
facilities
Home occupations
Solar panels on
accessory uses
or structures
Plant cultivation

Public and private
schools
Places of worship
Childcare facilities,
including nursery
school and day
care
Noncommercial
recreational
facilities
Home occupations
Solar panels on
accessory uses
or structures

PERMITTED USES

“R-3”
Medium Density
Residential

Single-family dwelling
Essential services
Accessory uses
Public parks

“R-4”
Two Family
Residential

Single-family dwelling
Two-family dwelling
Essential services
Accessory uses
Public parks

“R-5”
Planned Neighborhood
District (PND)

See Section 1147.02

“R-6”
Multi-family
Residential

Multiple-family
dwelling
Essential services
Accessory uses
Public parks

CONDITIONAL USES

Public and private schools
Place of worship
Childcare facilities,
including nursery school
and day care
school
Noncommercial
recreational facilities
Home occupations
facilities
Solar panels on
accessory uses
accessory
or structures
Two-family dwelling,
dwelling,
developed to R-4 standards
per Section 1127.01
Multiple-family dwelling,
developed to R-6 standards
per Section 1127.01

Public and private schools
Place of worship
Childcare facilities,
including nursery school
and day care
Noncommercial
recreational facilities
Home occupations
Solar panels on
accessory uses
or structures
Group home
Nursing home
Rooming and boarding houses
Multiple-family dwelling,
developed to R-6 standards
per Section 1127.01

See Section 1147.02

Public and private
schools
Place of worship
Childcare facilities,
including nursery
and day care
Noncommercial
recreational
Home occupations
Solar panels on
uses or structures
Single-family
developed to R-4
standards per
Section 1127.01
Two-family dwelling
developed to R-4
standards per
Section 1127.01
Nursing home
Rooming and
boarding house
Group home

PERMITTED USES

“B-1”
Neighborhood
Business

Neighborhood retail business
Offices
Banks
Personal services
Public service facility
Essential services
Restaurants
Accessory uses

“B-2”
Community
Shopping Center

Retail business
Restaurants
Taverns
Business services
Offices
Banks
Essential services

“B-3”
Institutions and
Offices

Offices
Banks
Public service facility
Essential services
Institutions
Accessory uses
Restaurants
Taverns

“B-4”
Highway or
Regional Business

Retail business
Personal services
Business services
Offices
Banks
Automobile service stations
Restaurants
Taverns
Hotels
Motels
Essential services
Accessory uses

CONDITIONAL USES

Public uses
Entertainment facilities
Solar panels on
accessory uses
or structures
Helicopter pads
Childcare facilities,
including nursery
school and day care facilities
Mortuaries
Place of worship

including

Automotive service stations
Semipublic uses
Automotive sales and repair
Entertainment facilities
Solar panels on accessory
uses or structures
Helicopter pads
Childcare facilities, including
nursery school and
day care facilities
Public uses
Commercial recreational facilities
Drive-in commercial uses
Mortuaries

Place of worship
Hospitals
Colleges

Laboratories
Scientific research
facilities
Entertainment facilities
Mixed occupancy
Solar panels on accessory
uses or structures
Helicopter pads
Childcare facilities,
including nursery
school and day care
facilities
Public uses
Semipublic uses

Mortuaries
Place of worship
Hospitals
Colleges

Public uses
Semipublic uses
Commercial recreational
facilities
Outdoor advertising
Wholesale business
Printing and publishing
Animal hospitals and
clinics
Bakeries and dairies
Solar panels on accessory
uses or structures
Helicopter pads
Childcare facilities,
nursery school and day
care facilities
Place of worship
Hospitals
Colleges

PERMITTED USES

“B-5”
Commercial
Planned Development

See Section 1153.02

“B-6”
Old Hilliard

Retail business
Personal services
Offices
Banks
Restaurants
Single-family dwelling
Essential services
Accessory uses
Taverns

“B-SOB”
Sexually Oriented
Business

Sexually oriented business
Offices
Banks
Printing and publishing
Limited manufacturing
Research or testing
facility
Essential services
Accessory uses

CONDITIONAL USES

Solar panels on accessory
uses or structures
Helicopter pads
Public uses
Semipublic uses
Place of worship
Hospitals
Colleges

Two-family dwelling
Multiple-family dwelling
Social activities
Public uses
Semipublic uses
Entertainment facilities
Mixed occupancy
Solar panels on accessory uses
or structures
Commercial recreational facilities
Any permitted use in a B-1, B-2,
B-3, B-4 District not otherwise
listed as a permitted use
in a B-6 District
Any conditional use in a B-1,
B-2, B-3, B-4 District
Any permitted use in a
M-1 District
Place of worship

Public service facilities
Hospitals
Warehouse
Wholesale business
Ancillary retail/service
Place of worship
Solar panels on accessory
uses or structures

PERMITTED USES

“S-1”
Special

Public parks
manufacturing
Public uses
Semipublic uses
Place of worship
Essential services
Conservation and
highway interchange
areas
Public and private
schools
Accessory uses

“A-1”
Agriculture

Single-family dwelling

Agriculture
Plant cultivation
Essential services
Accessory uses
Public parks
Wholesale nursery

“M-1”
Restricted Industrial

Limited manufacturing

Printing and publishing
Research and testing
facilities
Offices
Public service facilities
Essential services
Accessory uses
Bakeries

“M-2”
Limited Industrial

Limited

Grain elevators
Feed mills

CONDITIONAL USES

Noncommercial
recreational facilities
Commercial
recreational facilities
Public service facility
extraction
Cemetery
accessory
Airports
Helicopter pads
Solar panels on accessory
uses or structures

Noncommercial
recreational facilities
Place of worship
Public and private schools
Specialized animal

raising and care

Airports
Home occupations
Solar panels on accessory
uses or structures

Commercial recreational facilities
Place of worship
Food processing
Wholesale business
Warehouse

Restaurants

Sand and gravel extraction
Solar panels on accessory
uses or structures
Helicopter pads

Public service facility
Wholesale business
Warehouse
Helicopter pads
Sand and gravel

Solar panels on

uses or structures

PERMITTED USES

“M-3”
General Industrial

General manufacturing
Wholesale business
Warehouse
Food processing
Grain elevators
Feed mills

“M-4”
Mineral Extraction

Mineral extraction, storage,
and processing
Sand and gravel extraction
Oil and gas wells

“M-5”
Planned Industrial Park

Limited manufacturing
General manufacturing
Printing and publishing
Research and testing facilities
Offices
Banks
Business services
Essential services
Accessory uses

CONDITIONAL USES

Restaurants
Helicopter pads
Mineral extraction, storage
and processing
Junk storage and sales
Stockyards
Slaughterhouses
Petroleum refining and storage
Oil and gas wells
Sand and gravel extraction
Solar panels on accessory
uses or structures

Junk storage and sales
Warehouse
Helicopter pads
Solar panels on accessory uses
or structures
Noncommercial recreational facilities
Commercial recreational facilities

Public service facility
Automobile service stations
Restaurants
Hotels
Motels
Warehouse
Wholesale business
Ancillary retail/service
Commercial recreational
facilities
Solar panels on accessory
uses or structures
Place of worship
Helicopter pads
Athletic instruction
Fine arts instruction

(Ord. 06-12. Passed 3-13-06.)

1123.02 CONDITIONAL USES.

(a) When a use is listed in this Code as a conditional use for a zoning district, no such use shall be established until the conditional use is approved by the Planning and Zoning Commission, and until a zoning permit is issued by the Zoning Inspector. The Commission shall have the power to decide applications for conditional uses in those cases specified in Section 1123.01. In considering the application, the Commission shall give due regard to the nature and condition of all adjacent uses and structures, and may impose such requirements and conditions as the Commission may deem necessary for the protection of adjacent properties and the public interest, including specific limitation as to future expansion, structural alteration and duration of the conditional use. Duration of the conditional use may be contingent on future occurrences such as change of ownership, change of tenant or specified date of termination. In addition to all other requirements and conditions that the Commission may deem necessary, the Commission may, as it further deems necessary, deny any application for a conditional use.

(b) In its review and approval of conditional uses specified for the “M-5” Planned Industrial District, the Planning and Zoning Commission shall follow the provisions of Chapter 1149.

(c) The following basic standards shall apply to conditional uses in any “S”, “A” or “R” District:

- (1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it shall not be hazardous, inconvenient or conflict with the normal traffic on residential streets, both at the time and as traffic may be expected to increase with any prospective increase in the population of the area, taking into account convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections, and the general character and intensity of development of the area.
- (2) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (3) A trip generation study, if required by the City Engineer due to the potential traffic impacts of the proposed use, prepared by a qualified professional acceptable to the City Engineer, indicating the additional traffic to be generated by the proposed use. Where the City Engineer finds that the additional traffic exceeds that which may normally be generated by the permitted uses of the district, he may recommend to the Planning and Zoning Commission to require a subsequent, more detailed traffic impact study.

(d) The following basic standards shall apply to conditional uses in any “B” or “M” District:

- (1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such that vehicular traffic to and from the use shall not be more hazardous than the normal traffic of the district, both at the time and as traffic may be expected to increase with increasing development of the City, taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances and relation to pedestrian traffic.

- (2) The nature, location, size and site layout of the use shall be such that it shall be a harmonious part of the business or industrial district in which it is situated, taking into account prevailing shopping habits.
- (3) A trip generation study, if required by the City Engineer due to the potential traffic impacts of the proposed use, prepared by a qualified professional acceptable to the City Engineer, indicating the additional traffic to be generated by the proposed use. Where the City Engineer finds that the additional traffic exceeds that which may normally be generated by the permitted uses of the district, he may recommend to the Planning and Zoning Commission to require a subsequent, more detailed traffic impact study.

(e) Approval of mixed occupancy as a conditional use by the Planning and Zoning Commission shall be for a specifically designated combination in a given structure, and any change in the ratio of residential to office or commercial units or in the overall total number of units will require re-approval by the Commission.

(f) Prior to the Planning and Zoning Commission hearing and deciding any matter concerning a conditional use, the application for conditional use shall be advertised consistent with the notice requirements specified in Section 1113.02 Procedure for Change in Zoning Districts.

(Ord. 02-44. Passed 8-26-02.)