

**CHAPTER 1141**  
**Special Provisions for Commercial and Industrial Uses**

<p><b>1141.01</b> Integrated commercial centers.</p> <p><b>1141.02</b> Integrated office, research and restricted industrial centers.</p> <p><b>1141.03</b> Performance requirements.</p> <p><b>1141.04</b> Motels, motor hotels and hotels.</p> <p><b>1141.05</b> Mineral extraction, storage and processing.</p>	<p><b>1141.06</b></p> <p><b>1141.07</b></p> <p><b>1141.08</b></p> <p><b>1141.09</b></p> <p><b>1141.10</b></p>	<p><b>Excavation of fill for highway construction.</b></p> <p><b>Salvage operations.</b></p> <p><b>Temporary buildings.</b></p> <p><b>Conversion of dwellings.</b></p> <p><b>Advanced technologies.</b></p>
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**CROSS REFERENCES**

Nonresidential uses abutting R Districts - see P. & Z. 1127.04  
 Height regulations - see P. & Z. 1127.05

**1141.01 INTEGRATED COMMERCIAL CENTERS.**

- (a) General Provisions.
- (1) The owner of a tract of land located in any "B-1" or "B-2" District adjacent to or part of a proposed or existing shopping center which is shown on the land use plan shall submit to the Planning Commission for its review a preliminary plan for the use and development of such tract of land for an integrated shopping center. The Commission shall review the proposal and make recommendations on it to Council.
  - (2) In accepting such plan for review the Commission shall be satisfied that the proponents of the neighborhood and community shopping center are financially able to carry out the proposed project, that they intend to start construction within one year of the approval of the project and necessary change in zoning, and intend to complete it within a reasonable time as determined by the Commission.
- (b) Location, Size and Character of Development.
- (1) The need for the proposed development has been demonstrated by means of market studies and such other evidence as the Commission may require.

- (2) The proposed shopping center is located so that reasonably direct traffic access is supplied from principal thoroughfares and where congestion shall not likely be created by the proposed center, or where congestion shall be obviated by presently projected improvement of access thoroughfares.
- (3) The plan provides for a shopping center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, which shall fit harmoniously into and shall have no adverse effects upon the adjoining or surrounding development.

(c) Permitted Uses. The uses permitted in a community shopping center shall be those retail business, commercial and service uses permitted in the "B-2" District. Uses permitted in a neighborhood shopping center shall be the uses permitted in the "B-1" District.

(d) Design Regulations. The following regulations shall apply to an integrated shopping center.

- (1) Building heights. No building shall exceed three stories or thirty-five feet in height, except as modified by Section 1127.05.
- (2) Yards. No building shall be less than fifty feet distant from any boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any "R" District by a solid wall or compact evergreen hedge at least six feet in height. Such wall or hedge shall be placed at least five feet from the property line.
- (3) Tract coverage. The ground area occupied by all the buildings shall not exceed in the aggregate thirty percent (30%) of the total area of the lot or tract.
- (4) Customer parking space. Notwithstanding any other requirements of this Zoning Code, there shall be provided one off-street space for each 100 square feet of rental floor space not including basement storage space, in the shopping center.
- (5) Loading space. Notwithstanding any other requirements of this Zoning Code, there shall be provided one off-street loading or unloading space for each 20,000 square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third of the spaces required shall be sufficient in areas and vertical clearance to accommodate trucks of the tractor-trailer type.
- (6) Access drives and illumination of parking areas. Access drives shall be at a minimum interval of 300 feet and illumination of parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

- (e) Submission and Approval of Final Development Plan.
- (1) Upon determination by the Commission that the proposed integrated shopping center as shown by the preliminary plan appears to conform to the requirements of this section and all applicable requirements of this Zoning Code, the proponents shall prepare and submit a final development plan which shall incorporate any changes or modifications required or suggested by the Commission.
  - (2) If the final development plan is found to comply with requirements set forth in this section and other applicable provisions of this Zoning Code the Commission shall submit the plan with its report and recommendations, together with the required application by the proponents of the necessary change in zoning classification of the site of the proposed center, to Council, which shall hold a public hearing on both the development plan and application for a change in zoning.
  - (3) Following a public hearing, Council may modify the plan, consistent with the intent and meaning of this Zoning Code, and may rezone the property to the classification permitting the proposed center, for development in substantial conformity with the final plan as approved by Council.
  - (4) After the final development plan has been approved by Council and in carrying out this plan, adjustments or rearrangements of buildings, parking areas, entrances, heights or yards may be requested by the proponents, and provided such requests conform to the standards established by the final development plan and this Zoning Code, such adjustments or rearrangements may be authorized by the Planning Commission.  
(1980 Code 150.065)

#### **1141.02 INTEGRATED OFFICE, RESEARCH AND RESTRICTED INDUSTRIAL CENTERS.**

The following regulations, conditions and procedures shall apply to the development of properties for integrated office, research and restricted industrial uses in "B-3" and "M-1" Districts:

- (a) General Provisions.
- (1) The owner of a tract of land located in any "B-3" or "M-1" District near where a proposed office, research or restricted industrial area is shown on the future land use plan, containing not less than four acres, may submit to the Planning and Zoning Commission for its review a preliminary plan for the use and development of such tract of land for office, research, or industrial uses permitted in accordance with the provisions of this Zoning Code. The Commission shall review the proposal and make recommendations on it to Council.

- (2) In accepting such plan for review the Commission shall be satisfied that the proponents of the office, research or industrial development or combination thereof are financially able to carry out the proposed project, that they intend to start construction within one year of the approval of the project, and intend to complete it within a reasonable time as determined by the Commission.
- (b) Location and Character of Development.
  - (1) The proposed office, research, restricted industrial development or combination thereof shall be located so that reasonably direct traffic access is supplied from principal thoroughfares and where congestion shall not likely be created by the proposed development or where such congestion shall be obviated by presently projected improvements of access thoroughfares, by demonstrable provision in the plan for proper entrances and exits, and by internal provisions for traffic and parking.
  - (2) The plan shall provide for an office, research or industrial development or a combination thereof consisting of one or more buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, which shall be an attractive development and which shall fit harmoniously into and shall have no adverse effects on the adjoining or surrounding development.
- (c) Permitted Uses. The uses permitted in "B-3" and "M-1" Districts shall be those office and research buildings and restricted industrial and related uses listed in Chapter 1123.
- (d) Regulations. The following regulations shall apply to office, research and restricted industrial developments in "B-3" and "M-1" Districts:
  - (1) Building heights. No building shall exceed three stories or forty-five feet in height, except as modified by Section 1127.05.
  - (2) Yards. No building shall be less than thirty feet distant from any boundary of the tract on which the office, research, or industrial development is located. Loading and storage shall be permanently screened from all adjoining properties located in any "R" District by building walls or a solid wall or compact evergreen hedge at least six feet in height. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
  - (3) Tract coverage. The ground area occupied by all the buildings shall not exceed in the aggregate thirty percent (30%) of the total area of the lot or tract.

- (4) Parking spaces. Notwithstanding any other requirements of this Zoning Code there shall be provided one off-street space for each two employees on the maximum working shift. Parking areas shall not be located closer than twenty-five feet to any adjoining lot line in any "R" or "B" District and shall be set back at least fifty feet from the street right-of-way line. The parking area shall be graded for proper drainage and improved so as to provide a durable and dust-free surface.
  - (5) Loading space. Notwithstanding any other requirements of this Zoning Code, there shall be provided off-street loading or unloading space sufficient in area and vertical clearance to accommodate the maximum number of trucks and tractor-trailers anticipated at any one time.
  - (6) Access drives and illumination of parking areas. Access drives shall be at a minimum interval of 300 feet and illumination of parking areas shall be arranged to reflect the light away from adjoining premises in any "R" District.
  - (7) Signs. Signs for office, research and industrial developments shall be limited to wall-type signs on the principal building except that a small freestanding identification and directional sign not over fifteen square feet in area may be erected at entrances to the office, research, and industrial development. If signs are illuminated, the source of light shall not be visible.
- (e) Submission and Approval of Final Development Plan.
- (1) Upon determination by the Commission that the proposed office, research or industrial development, as shown by the preliminary plan, appears to conform to the requirements of this section and all other applicable requirements of this Zoning Code, the proponents shall prepare and submit a final development plan which shall incorporate any changes or modifications required or suggested by the Commission.
  - (2) If the final development plan is found to comply with requirements set forth in this section and other applicable provisions of this Zoning Code, the Commission shall submit the plan with its report and recommendations, together with the required application for a zoning certificate, to Council, which shall hold a public hearing on the proposed development plan.
  - (3) Following a public hearing, Council may modify the plan, consistent with the intent and meaning of this Zoning Code, and authorize the issuance of a zoning certificate.
  - (4) After the final development plan has been approved by Council and in the course of carrying out this plan, adjustment or rearrangements of buildings, parking areas, entrances, heights or yards may be requested by the proponents, and, provided such requests conform to the standards established by the final development plan and this Zoning Code, such adjustments or rearrangements may be authorized by the Commission.  
(1980 Code 150.066)

**1141.03 PERFORMANCE REQUIREMENTS.**

(a) Requirements. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. However, any use permitted by this Zoning Code may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- (1) Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally removed from adjacent activities to a distance which is compatible with the potential danger involved.
- (2) Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity at any point or an electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- (3) Noise. Noise which is objectionable as determined by the Board of Zoning Appeals due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement. The following table shall be used to determine the maximum noise level permitted.

<u>Octave Band in Cycles per Second</u>	<u>Along Residence District Bound- aries - Maximum Permitted Sound Level in Decibels</u>	<u>Along all Business District and "M-1" Boundaries - Maxi- mum Permitted Sound Level in Decibels</u>
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1200	46	53
1200 to 2400	40	47
Above 2400	34	41

- (4) Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- (5) Smoke. Smoke shall not be emitted with a density greater than number one on the Ringelmann Chart as issued by the United States Bureau of Mines except for blow-off periods of ten minutes duration of one per hour, when a density of not more than number two is permitted.
- (6) Odors. No malodorous gas or matter shall be permitted which is offensive or which causes a public nuisance or hazard on any adjoining lot or property.

- (7) Air pollution. No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
  - (8) Glare. No direct or reflected glare shall be permitted which is visible from any property outside an "M" District or from any public street, road or highway.
  - (9) Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
  - (10) Water pollution. Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.
  - (11) Hazardous or toxic chemicals or gases. No chemicals or gases which are a hazard to public health or safety shall be allowed unless the applicant can state the nature of the hazardous material, its likely dangers, and how it can be handled safely.
- (b) Enforcement Provisions.
- (1) The Zoning Inspector or Board, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
  - (2) Measurement procedures. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, N.Y.; the Manufacturing Chemists' Association, Inc., Washington, D.C.; and the United States Bureau of Mines.
  - (3) At the request of the Zoning Inspector or the Board, the City may hire an expert consultant to demonstrate the acceptability of such condition as set forth in subsection (a) hereof and if the necessary safety requirements meet Occupational Safety and Health Act standards or other applicable agency requirements for the handling of such hazardous materials. All costs associated with the hiring of the expert consultant shall be paid by the applicant.  
(1980 Code 150.067)

#### **1141.04 MOTELS, MOTOR HOTELS AND HOTELS.**

Motels, motor hotels and hotels shall comply with the sanitary regulations prescribed by the Health Officer having jurisdiction, the regulations of the Building Code, and as may otherwise be required by law, and in addition shall comply with the following regulations:

- (a) Any lot to be used for a motel shall not be less than two acres in area and shall contain not less than 2,000 square feet of lot per sleeping unit.

- (b) All areas not used for access, parking, circulation, buildings and services shall be landscaped and the entire site maintained in good condition.  
(1980 Code 150.068)

**1141.05 MINERAL EXTRACTION, STORAGE AND PROCESSING.**

(a) The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of this section.

(b) Extraction, storage and processing of minerals of all types shall be permitted in districts so specified in the use regulations of Chapter 1123.

(c) The performance requirements of Section 1141.03 shall be met.

(d) Mineral extraction, storage or processing shall not be conducted closer than 500 feet from any "R" District, nor closer than 100 feet from any structure used for human occupancy in any other district.

(e) Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed.

(f) The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.

(g) The operator shall submit information on the anticipated depth of excavations and he shall supply an opinion regarding the probable effect on water tables from the Division of Water, Ohio Department of Natural Resources.

(h) The operator shall file with the Board of Zoning Appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than ten feet, the type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.

(i) The operator shall file with Council a bond, payable to the City and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be as fixed by ordinance of Council. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

(j) Proposed Location of Allied Industries. The operator of a proposed industry which uses the products of the mineral extraction and processing industry in its manufacturing process and therefore desires to locate in an "M-4" District adjacent to an existing processing plant in order to have direct delivery from the processing plant by conveyor belts or otherwise, shall submit a plan of the proposed development to the Board for approval.  
(1980 Code 150.069)

#### **1141.06 EXCAVATION OF FILL FOR HIGHWAY CONSTRUCTION.**

Excavation of fill for highway construction outside highway rights-of-way shall be permitted only in "A-1" and "M-4" Districts, and in "S-1" and "R-1" Districts only after approval of the Board of Zoning Appeals is granted. The construction contractor shall provide proof that the source of community water supply shall not be adversely affected due to lowering the water table or contaminating the supply before permission for excavation is given in "S-1" or "R-1" Districts. He shall also provide to the Board a suitable plan for the reclamation of these areas to such uses as they may be adapted and shall grade these areas to conform to the planned uses upon the conclusion of excavation operations.  
(1980 Code 150.070)

#### **1141.07 SALVAGE OPERATIONS.**

(a) Junk storage and sales shall be permitted only in "M-3" or "M-4" Districts after permission has been granted by the Board of Zoning Appeals.

(b) Junk storage and sales shall be effectively screened on all sides by means of walls, fences or plantings. Walls or fences shall be a minimum of eight feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than fifteen feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six feet in height may be substituted. Storage of materials shall not exceed the height of the screening.  
(1980 Code 150.071)

#### **1141.08 TEMPORARY BUILDINGS.**

Temporary buildings used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.  
(1980 Code 150.072)

#### **1141.09 CONVERSION OF DWELLINGS.**

In "R-3" and "R-4" Districts a residence may be converted to accommodate an increased number of dwelling units provided:

- (a) The building is to be altered on the outside. The yards shall not be reduced to less than the yard dimensions required by the zoning regulations for new structures in that district.
- (b) The lot area per family is equal to the lot area requirements for new multi-family structures in that district.

- (c) The number of square feet of living area per family unit is not less than that which is required for new construction in that district.  
(1980 Code 150.073)

**1141.10 ADVANCED TECHNOLOGIES.**

(a) Solar Panels on Accessory Uses and Structures. Solar panels and related devices shall meet all relevant Building Code requirements for mechanical or electrical or plumbing systems.

(b) Helicopter Pads.

- (1) A helicopter pad shall consist of a "takeoff and landing area" at least 150 feet in diameter including a centrally located "touchdown" point.
- (2) A "takeoff and landing area" shall be located entirely within the bounds of a single parcel.
- (3) The "touchdown" point shall be located at least 800 feet from any residential zone.  
(1980 Code 150.074)