

## CHAPTER 1147 Conditional Uses

- |  |  |
|--|--|
| <p>1147.001 ...Intent.</p> <p>1147.01 .....General requirements.</p> <p>1147.02 .....Procedure; public hearing required.</p> <p>1147.03 .....Hearing and Board requirements. (Repealed)</p> <p>1147.04 .....Failure to commence or complete construction; failure to comply with provisions of conditional use approval.</p> <p>1147.05 .....Amended building permit.</p> <p>1147.06 .....Additional conditions.</p> <p>1147.07 .....Airports and heliports.</p> <p>1147.08 .....Cemetery.</p> <p>1147.09 .....Hospital; nursing home or nursing home conversion.</p> <p>1147.10 .....Junk yard; motor vehicle wrecking yard.</p> <p>1147.11 .....Public camp.</p> <p>1147.12 .....Mobile home park.</p> <p>1147.13 .....Private noncommercial recreation facility or development.</p> <p>1147.14 .....Private school; special school.</p> <p>1147.15 .....Professional office.</p> <p>1147.16 .....Public or commercial sanitary fill or refuse dump.</p> <p>1147.17 .....Radio, television or telephonic communications transmitting power.</p> <p>1147.18 .....Tourist home; boarding or lodging house.</p> <p>1147.19 .....Motor vehicle service facilities; public garage.</p> <p>1147.20 .....Extraction of gas.</p> <p>1147.21 .....Home occupations.</p> <p>1147.22 .....Private banquet/reception facility.</p> <p>1147.23 .....Off-premises sign.</p> <p>1147.24 .....Animal hospital; kennel.</p> <p>1147.25 .....Contractor storage yard; building material yard; lumber yard.</p> | <p>1147.26 .....Dry cleaning establishment.</p> <p>1147.27 .....Dwellings in the B-1 District.</p> <p>1147.28 .....Dwellings in the B-5 District.</p> <p>1147.29 .....Funeral home; mortuary.</p> <p>1147.30 .....Municipal or governmental building.</p> <p>1147.31 .....Private club; private lodge.</p> <p>1147.32 .....Public utility building.</p> <p>1147.33 .....Restaurant; drive-in restaurant; tavern.</p> <p>1147.34 .....Self-service storage facility.</p> <p>1147.35 .....Group home.</p> <p>1147.36 .....Commercial recreation facility; billiard room or pool hall.</p> <p>1147.37 .....Commercial parking facility.</p> <p>1147.38 .....Outdoor storage.</p> <p>1147.39 .....Off-street parking accessory to any principal use, excluding a dwelling, not located on the same lot as the principal use.</p> <p>1147.40 .....Motor vehicle repair garage.</p> <p>1147.41 ..... Emergency Shelter.</p> <p>1147.42 .... Single Family Residence As Part of a Mortuary or Funeral Home.</p> |
|--|--|

**1147.001 INTENT.**

The intent of conditional use approval is to provide regulations designed to accommodate unique uses in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and welfare of the community.

(Ord. A-2248. Passed 4-9-01.)

**1147.01 GENERAL REQUIREMENTS.**

The conditional uses listed in the regulations governing each of the several districts and their accessory buildings and uses may be permitted by the Board of Appeals in such districts in accordance with the procedure set forth in this chapter.

(Ord. A-2248. Passed 4-9-01.)

**1147.02 PROCEDURE; PUBLIC HEARING REQUIRED.**

Upon receipt of an application and a development plan for a conditional use by the City Manager, or designated representative, such application and plan shall be referred to the Board of Appeals. The Board shall then proceed with a public hearing in accordance with the procedure outlined in Chapter 1151.

(Ord. A-2248. Passed 4-9-01.)

**1147.03 HEARING AND BOARD REQUIREMENTS. (REPEALED)**

(EDITOR'S NOTE: Section 1147.03 was repealed by Ordinance A-2036, passed May 28, 1996.)

**1147.04 FAILURE TO COMMENCE OR COMPLETE CONSTRUCTION; FAILURE TO COMPLY WITH PROVISIONS OF CONDITIONAL USE APPROVAL.**

Any person, to whom is issued a building and/or conditional use permit for a conditional use, who fails to commence construction within twelve months after such permit is issued, who fails to carry to completion the total development plan thereof within three years after such construction is begun, whichever is later, or who fails to conform to the provisions of the appropriate conditional use regulations of this Zoning Code, any conditions placed by the Board of Appeals in its approval, the development plan and/or supporting data finally approved by the Board and upon the basis of which such building and or conditional use permit was issued, may be required by the Board, upon written petition of any person deeming himself aggrieved or upon the administrative action of the City Manager, to show cause why such approval should not be withdrawn and why such building and/or conditional use permit should not be revoked.

(Ord. A-2248. Passed 4-9-01.)

**1147.05 AMENDED BUILDING PERMIT.**

The holder of a building permit for a conditional use may apply to the Board of Appeals at any time for an alteration, change, amendment or extension of the application or development plan upon which such permit was based.

- (a) Upon receipt of such application, the Board shall proceed as in the case of original applications for a building permit for a conditional use.
- (b) In the event the Board shall approve and order such application or development plan changed, altered, amended or extended, it shall so notify the City Manager who shall issue an amended building permit accordingly.

(Ord. A-2248. Passed 4-9-01.)

#### **1147.06 ADDITIONAL CONDITIONS.**

The Board may impose other conditions for a conditional use in addition to those prescribed herein if, in the Board's judgment, additional conditions are necessary for the protection of the public health and for reasons of safety, comfort and convenience. If the nature of the conditional use involves more than one such use, the applicant may apply for a building permit for the conditional use which most closely relates to the primary use; provided that the requirements of the related uses will also be met.

(Ord. A-2248. Passed 4-9-01.)

#### **1147.07 AIRPORTS AND HELIPORTS.**

- (a) Airports are conditionally permitted in the N-1 District; Heliports are conditionally permitted in the N-1 and I-2 Districts.
- (b) The minimum lot area for an airport shall be eight acres; for a heliport, one acre.
- (c) No portion of an airport or a heliport shall be permitted closer than 200 feet to a residential use.
- (d) Buffering and screening plans shall be approved by the Board of Appeals.
- (e) Plans for exterior on-premises signs shall be approved by the Board of Appeals. Off-premises signs shall be prohibited. All other exterior signs shall conform to the provisions of Chapter 1149.
- (f) Outdoor lighting or illumination shall be arranged and/or operated in such a manner as not to be misleading or pose a danger to aircraft operations.
- (g) Except as provided herein, yard and height regulations for buildings and structures shall be those designated for a conditional use in the district in which the airport or heliport is proposed to be located. However, a hangar or other building used to store aircraft may be built to a height not exceeding fifty feet, provided the otherwise designated side and rear yard requirements are increased one foot for each two feet the height exceeds that permitted in such district.
- (h) Construction or use of any temporary or permanent building, structure, object or terrain within or proximate to any airport or heliport shall comply with applicable development standards of Title 14 - Aeronautics and Space Code of Federal Regulations.

(Ord. A-2248. Passed 4-9-01.)

#### **1147.08 CEMETERY.**

- (a) Cemeteries are conditionally permitted in the N-1 District.
- (b) The minimum lot area shall be forty acres.

- (c) Landscape, buffering and screening plans shall be approved by the Board of Appeals.
- (d) Plans for exterior signs identifying the entrance to the cemetery and for the direction of visitors and traffic as well as plans for outdoor artificial lighting shall be approved by the Board of Appeals. All other types of exterior signs shall be prohibited.

(Ord. A-2248. Passed 4-9-01.)

#### **1147.09 HOSPITAL; NURSING HOME OR NURSING HOME CONVERSION.**

- (a) Hospitals and nursing homes are conditionally permitted in the N-1, S-1, R-1, R-2, R-3, and O-1 Districts. Nursing home conversions are conditionally permitted in the R-2 and R-3 Districts.
- (b) The minimum lot area for a hospital shall be three acres; for a nursing home 15,000 square feet but not less than 750 square feet per person cared for or occupant; and for a nursing home conversion, 15,000 square feet but not less than 750 square feet per person cared for.
- (c) The minimum front yard depth, side yard width and rear yard depth for a hospital shall be, respectively, sixty feet, thirty feet each side and forty feet; the minimum yard dimensions for a nursing home or nursing home conversion and a home for the aged shall be those designated for the applicable use in the district in which such facility is proposed to be established.
- (d) The minimum setback from the centerline of an interior street of a nursing home conversion shall be forty feet.
- (e) The gross floor area of the principal building(s) for a nursing home shall be over 1,000 square feet.
- (f) Landscape, buffering and screening plans shall be approved by the Board of Appeals.
- (g) Portions of a nursing home and a nursing home conversion abutting a residential use shall be buffered as approved by the Board of Appeals.
- (h) The maximum height of a building for a hospital shall be sixty-five feet, provided that the otherwise designated side and rear yard requirements are increased one foot for each three feet the height exceeds that permitted in the district in which the hospital is proposed to be established. The maximum height of a building for a nursing home conversion shall be that designated for the applicable use in the district in which such facility is proposed to be established.
- (i) Plans for exterior signs identifying the facility and for outdoor artificial lighting shall be approved by the Board of Appeals. All types of exterior signs shall be prohibited.

(Ord. A-2248. Passed 4-9-01.)

#### **1147.10 JUNK YARD; MOTOR VEHICLE WRECKING YARD.**

- (a) Junk yards and motor vehicle wrecking yards are conditionally permitted in the I-2 District.
- (b) The minimum side yard width shall be forty feet each side, the minimum rear yard depth forty feet, and the minimum front yard depth that designated for the applicable use in the district in which such yard is proposed to be established.
- (c) A junk yard or motor vehicle wrecking yard shall be located not closer than 900 feet from a residential use or lot.

- (d) A junk yard or motor vehicle wrecking yard shall be enclosed by a solid eight-foot fence of wood, metal, brick or masonry, and shall meet all additional requirements of Chapter 717 of the Code of Ordinances.
- (e) Plans for exterior on-premises signs and outdoor artificial lighting shall be approved by the Board of Appeals. Off-premises signs shall be prohibited; all other exterior signs shall conform to the provisions of Chapter 1149.
- (f) The minimum lot area and the maximum height of a building or structure shall be that designated for the applicable use in the district in which the yard is proposed to be established.

(Ord. A-2248. Passed 4-9-01.)

#### **1147.11 PUBLIC CAMP.**

- (a) Public camps are conditionally permitted in the N-1 District.
- (b) The minimum lot area for a public camp shall be three acres.
- (c) A public camp shall not be permitted closer than 200 feet to a residential use.
- (d) The minimum distance for each camping unit from any lot line shall be sixty-five feet.
- (e) The minimum distance for each camping unit from another camping unit shall be twenty feet.
- (f) The yard requirements for buildings or structures shall be those designated for the applicable use in the district in which the camp is proposed to be located.
- (g) The minimum roadway width of access drives without parking permitted shall be twenty feet; with parking permitted only on one side, twenty-eight feet; with parking permitted on both sides, thirty-six feet. Each camping unit space shall have direct access to such a drive, and such drives shall be improved in accordance with City specifications for residential streets, lighted at night and maintained in good condition.
- (h) Landscape, buffering and screening plans shall be approved by the Board of Appeals.
- (i) Plans for exterior signs identifying the entrance to the public camp and for the direction of traffic and occupants shall be approved by the Board of Appeals. All other types of exterior signs shall be prohibited.
- (j) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.

(Ord. A-2248. Passed 4-9-01.)

#### **1147.12 MOBILE HOME PARK.**

- (a) Mobile home parks are conditionally permitted in the N-1 and R-3 Districts.
- (b) The minimum lot area for a mobile home park shall be five acres.
- (c) The minimum distance for each mobile home from any lot line shall be sixty-five feet. The yard requirements for buildings or structures shall be those designated for the applicable use in the district in which the park is proposed to be located.
- (d) Plans for exterior signs identifying the entrance to the mobile home park and for the direction of traffic and occupants as well as plans for outdoor artificial lighting shall be approved by the Board of Appeals. All other types of exterior signs, except nameplates not exceeding one square foot in area used to identify the occupant of a mobile home, shall be prohibited.

- (e) The minimum area of a mobile home unit space within the mobile home park shall be 3,000 square feet, and the minimum width of such space shall be forty feet. The minimum distance between neighboring mobile homes shall be twenty feet.
- (f) The minimum roadway width of access drives without parking permitted shall be twenty feet; with parking permitted only on one side, twenty-eight feet; with parking permitted on both sides, thirty-six feet. Each mobile home unit space shall have direct access to such a drive, and such drives shall be paved in accordance with City specifications for residential streets, lighted at night and maintained in good condition.
- (g) There shall be provided within each mobile home park a site or sites for recreation, for the exclusive use of the park occupants. Such site or sites shall have a minimum area in the aggregate of 100 square feet for each mobile home unit space and shall be of appropriate design and provided with appropriate equipment. The design of such site or sites shall be approved by the Board of Appeals.
- (h) Landscape, buffering and screening plans shall be approved by the Board of Appeals.  
(Ord. A-2248. Passed 4-9-01.)

**1147.13 PRIVATE NONCOMMERCIAL RECREATION FACILITY OR DEVELOPMENT.**

- (a) Private noncommercial recreation facilities and developments are conditionally permitted in the N-1, S-1, R-1, R-2, R-3 and B-1 Districts.
- (b) The minimum lot area for a stadium and for an artificial lake shall be three acres; for other recreation developments it shall be that area which is designated for the applicable use in the district in which such development is proposed to be established.
- (c) The minimum side yard width and rear yard depth shall be, respectively, forty feet each side and forty feet; the minimum front yard depth shall be that depth which is designated for a applicable use in the district in which the development is proposed to be established.
- (d) Plans for exterior signs identifying the development and the direction of traffic and users shall be approved by the Board of Appeals. All other types of exterior signs shall be prohibited.
- (e) The maximum height of a structure for a stadium shall be twenty-five feet; for any other development it shall be that height which is designated for the applicable use in the district in which the development is proposed to be established.
- (f) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.
- (g) Landscape, buffering and screening plans shall be approved by the Board of Appeals.  
(Ord. A-2248. Passed 4-9-01.)

**1147.14 PRIVATE SCHOOL; SPECIAL SCHOOL.**

- (a) Private and special schools are conditionally permitted in the N-1 District.
- (b) The lot area, yard and height regulations shall be those designated for the applicable use in the district in which the school is proposed to be established.
- (c) The floor area of a private school shall be over 1,000 square feet.

- (d) Plans for exterior signs identifying the school and for the direction of pupils, visitors and traffic shall be approved by the Board of Appeals. All other types of exterior signs shall be prohibited.
  - (e) Landscape, buffering and screening plans shall be approved by the Board of Appeals.
  - (f) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.
- (Ord. A-2248. Passed 4-9-01.)

**1147.15 PROFESSIONAL OFFICE.**

- (a) Professional offices are conditionally permitted in the R-3 District.
  - (b) The lot area, yard and height regulations shall be those designated for the applicable use in the district in which the professional office is proposed to be established.
  - (c) May be permitted only on the ground floor of a multi-family dwelling containing a minimum of ten units and fronting on a street designated as a primary or secondary thoroughfare by the Comprehensive Master Plan adopted by City Council.
  - (d) A building in connection with a professional office shall be set back at least forty feet from the centerline of an interior road.
  - (e) Landscape, buffering and screening plans shall be approved by the Board of Appeals.
  - (f) Those portions of a professional office abutting a residential use shall be landscaped, buffered and screened as approved by the Board of Appeals.
  - (g) Plans for exterior on-premises signs and outdoor artificial lighting shall be approved by the Board of Appeals. Off-premises signs shall be prohibited; all other exterior signs shall conform to the provisions of Chapter 1149.
- (Ord. A-2248. Passed 4-9-01.)

**1147.16 PUBLIC OR COMMERCIAL SANITARY FILL OR REFUSE DUMP.**

- (a) Public or commercial sanitary fills or refuse dumps are conditionally permitted in the N-1 District.
  - (b) The minimum lot area for a refuse dump shall be three acres.
  - (c) A refuse dump shall be permitted not closer than 200 feet to a residential use.
  - (d) Landscape, buffering and screening plans shall be approved by the Board of Appeals.
  - (e) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.
  - (f) Filling or dumping shall not violate applicable Federal, State, or local laws.
- (Ord. A-2248. Passed 4-9-01.)

**1147.17 RADIO, TELEVISION OR TELEPHONIC COMMUNICATIONS TRANSMITTING TOWER.**

- (a) Radio, television or telephone communications transmitting towers are conditionally permitted in the N-1, S-1, R-1, R-2, B-2, I-1 and I-2 Districts.
- (b) A tower shall not be permitted closer than 200 feet to a residential use.
- (c) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.
- (d) Exterior signs of any type shall be prohibited, except those required by Federal, State, or local laws.

- (e) The maximum height of a structure shall be that designated by the appropriate State or Federal agency.

(Ord. A-2248. Passed 4-9-01.)

**1147.18 TOURIST HOME; BOARDING OR LODGING HOUSE.**

- (a) Tourist homes are conditionally permitted in the R-2, R-3 and B-1 Districts. Boarding or lodging houses are conditionally permitted in the R-2 District.
- (b) The lot area, yard and height regulations shall be those designated for the applicable use in the district in which the home is proposed to be established.
- (c) Plans for exterior on-premises signs shall be approved by the Board of Appeals. Off-premises signs shall be prohibited; all other exterior signs shall conform to the provisions of Chapter 1149.
- (d) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.

(Ord. A-2248. Passed 4-9-01.)

**1147.19 MOTOR VEHICLE SERVICE FACILITIES; PUBLIC GARAGE.**

- (a) Motor vehicle full service stations are conditionally permitted in the B-5 and I-1 Districts. Motor vehicle sales, rental or lease, a motor vehicle self service station/mini market, a motor vehicle wash facility, and a motor vehicle customizing shop is conditionally permitted in the B-5 District.
- (b) In the B-5 District, no motor vehicle full service station or motor vehicle sales and service establishment shall directly face or front the Court Square.
- (c) No motor vehicle full service station or public garage shall be permitted where any gasoline pump, oil draining pit or visible appliance for any such purpose, other than filling caps, is located within ten feet of any street lot line or within twenty-five feet of any S or R District, except where such pit or appliance is within an enclosed building.
- (d) Plans for exterior on-premises signs and outdoor artificial lighting shall be approved by the Board of Appeals. Off-premises signs shall be prohibited; all other exterior signs shall conform to the provisions of Chapter 1149.

(Ord. A-2248. Passed 4-9-01.)

**1147.20 EXTRACTION OF GAS.**

- (a) Extraction of gas is conditionally permitted in the I-2 District.
- (b) Any drilling site and operation of a gas well shall conform to all rules or regulations promulgated by any department or division of the State, unless otherwise specified below.
- (c) A time period shall be estimated for the length of time the site will be utilized.
- (d) No more than one drilling site per ten acres of land shall be permitted. In the case of a nonproducing well, one additional drilling site per ten acres may be allowed.
- (e) No drilling site shall be located within 500 feet of any residential or commercial zoning district, abutting property or structure.

- (f) No waste, sludge, water or effluence of any type where a gas well is being drilled shall in any manner be emptied or drained into any storm sewer, sanitary sewer or natural outlet within the City.
- (g) Drilling shall only be permitted during hours of daylight.
- (h) All vehicles, equipment, materials and other physical evidence of drilling shall be removed upon completion of gas extraction activities.
- (i) Gas extraction and related activities shall not violate applicable Federal, State, or local laws. (Ord. A-2248. Passed 4-9-01.)

#### **1147.21 HOME OCCUPATIONS.**

- (a) Home occupations are conditionally permitted in the N-1, S-1, R-1, R-2, R-3, B-1 and B-5 Districts.
- (b) Only members of the immediate family occupying such dwelling shall be employed in such occupation.
- (c) No more than one home occupation shall be permitted within any dwelling unit;
- (d) The Board of Appeals shall establish hours of operation for all home occupations;
- (e) Any advertisement of a home occupation via newspaper, periodical, radio, television, Internet, or public posting shall not include the address of where the home occupation is being conducted.
- (f) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent of the floor area of the first floor of the dwelling unit or building shall be used in the conduct of the home occupation.
- (g) The home occupation shall not be conducted in a manner that generates additional vehicular or pedestrian traffic, on-street or off-street vehicle parking demand, or vehicular deliveries other than those reasonably found in a residential dwelling.
- (h) There shall be no outdoor storage or display permitted, or other change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding one square foot in area, non-illuminated and mounted flat against the wall of the building.
- (i) No electrical or mechanical equipment shall be used, except such as may be used for domestic or household purposes or as deemed by the Board of Appeals to be of similar power and type, unless authorized by the Board. The Board may authorize machinery or equipment which is customarily found in the home associated with a hobby or avocation not conducted for gain or profit and may limit the hours of operation of such equipment or machinery.
- (j) Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers, causes fluctuation in line voltage outside the dwelling unit or creates noise not normally associated with residential uses shall be prohibited.
- (k) No offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effect shall be produced therein or therefrom.
- (l) Such use shall not violate any restrictive covenant of the recorded subdivision where the home occupation is proposed. The written findings required per Section 1151.07 of

the Zoning Code shall contain a statement as to the compatibility of the proposed home occupation in relation to applicable restrictive covenants.

- (m) Such use shall not have a separate entrance from outside the building.
- (n) No commodity shall be sold upon the premises except that which is produced thereon.
- (o) The following uses shall be prohibited as home occupations:
  - (1) Appliance repair;
  - (2) Light assembly, manufacturing or fabricating;
  - (3) Motor vehicle repair, part sales, painting or body work, including re-upholstery, detailing or washing;
  - (4) Retail sales of goods not produced on the premises;
  - (5) Engine repair, lawn and garden equipment repair;
  - (6) Upholstery;
  - (7) Veterinary offices, kennels (including animal care and boarding);
  - (8) Warehousing of any type;
  - (9) Machine shop.
- (p) The Board may require one or more subsequent public hearings for the review of any conditionally approved home occupation. The purpose of such hearings shall be to determine if the approved home occupation continues to comply the applicable requirements of Chapters 1147 and 1151 of the Zoning Code. The requirement for subsequent review may be instituted as a condition for approval of the home occupation, or may be instituted any time after such approval. In addition:
  - (1) The Board may revoke a conditionally approved home occupation when it determines that conditions exist contrary to the applicable requirements of Chapters 1147 and 1151 of the Zoning Code.
  - (2) Any revocation of a conditionally approved home occupation shall require the Board to make findings in accordance with Section 1151.07 of the Zoning Code.
  - (3) The appeal process for any conditionally approved home occupation that is subsequently revoked shall be same as the appeal process for any other conditional use application that is denied by the Board.
- (q) A fire safety inspection of the area to be used for such home occupation shall be conducted by the Fire Department prior to occupancy.
- (r) All home occupations, owners and employees shall be registered with the City Income Tax Department.

(Ord. A-2248. Passed 4-9-01.)

#### **1147.22 PRIVATE BANQUET/RECEPTION FACILITY.**

- (a) Private banquet/reception facilities are conditionally permitted in the R-2 District.
- (b) At least fifty percent of the underroof area of the principal structure shall be used as the residential living area.
- (c) The owner and/or operator shall maintain an on-site residence.
- (d) The gross floor area of the principal building shall be over 4,000 square feet, per floor.

- (e) A site plan, showing existing and proposed parking areas, traffic circulation patterns, planned landscape improvements and stormwater detention areas, shall be approved by the Board.
  - (f) A schedule of the hours of operation shall be submitted to the Board for approval.
- (Ord. A-2248. Passed 4-9-01.)

**1147.23 OFF-PREMISES SIGN.**

- (a) Off-premises signs are conditionally permitted in the N-1 and B-1 Districts.
  - (b) All off-premises signs shall be subject to the provisions of Chapter 1149.
  - (c) In any N-1 District, no off-premises sign shall be within 300 feet of any lot used for residential purposes.
  - (d) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.
- (Ord. A-2248. Passed 4-9-01.)

**1147.24 ANIMAL HOSPITAL; KENNEL.**

- (a) Animal hospitals and kennels are conditionally permitted in the B-2 District.
  - (b) Any enclosure, structure or building in which animals are kept shall be at least 100 feet away from any S or R District and at least fifty feet from any B-1 District.
  - (c) Any exercise runs shall be enclosed on all exterior sides by an opaque, well maintained fence or wall at least six feet in height.
  - (d) Plans for exterior on-premises signs and outdoor artificial lighting shall be approved by the Board of Appeals.
- (Ord. A-2248. Passed 4-9-01.)

**1147.25 CONTRACTOR STORAGE YARD; BUILDING MATERIAL YARD; LUMBER YARD.**

- (a) Contractor storage yards, building material yards and lumber yards are conditionally permitted in the I-2 District.
  - (b) All equipment and materials storage areas shall be enclosed on all exterior sides by a fence or wall at least six feet in height, and in cases where the storage area abuts a N, S or R District, the fencing shall be opaque.
  - (c) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.
- (Ord. A-2248. Passed 4-9-01.)

**1147.26 DRY CLEANING ESTABLISHMENT.**

- (a) Dry cleaning establishments are conditionally permitted in the B-1 and B-5 Districts.
  - (b) There shall be no more than two clothes cleaning units for each establishment, neither of which shall have a rated capacity of more than sixty pounds.
  - (c) Dry cleaning activities shall not violate applicable Federal, State, or local laws.
- (Ord. A-2248. Passed 4-9-01.)

**1147.27 DWELLINGS IN THE B-1 DISTRICT.**

- (a) Single-family dwellings, two-family dwellings and multi-family dwellings are conditionally permitted in the B-1 District.
  - (b) There shall be at least one off-street parking space for each unit, located within 100 feet of the site (premises).
  - (c) Annual fire/safety and/or health inspections shall be required.
- (Ord. A-2248. Passed 4-9-01.)

**1147.28 DWELLINGS IN THE B-5 DISTRICT.**

- (a) Single-family dwellings, two-family dwellings and multi-family dwellings are conditionally permitted in the B-5 District.
  - (b) All dwelling units shall be located above the first floor (street level).
  - (c) There shall be at least one off-street parking space for each unit, located within 1,000 feet of the site (premises).
  - (d) Annual fire/safety and/or health inspections shall be required.
- (Ord. A-2248. Passed 4-9-01.)

**1147.29 FUNERAL HOME; MORTUARY**

- (a) Funeral homes and mortuaries are conditionally permitted in the R-3, O-1 and B-1 Districts per the following conditions:
    - (1) Plans for exterior on-premises signs and outdoor artificial lighting shall be approved by the Board of Appeals.
    - (2) There shall be one off-street parking space provided for every fifty square feet of floor area.
  - (b) Funeral homes are conditionally permitted in a R-2 District per the following conditions:
    - (1) The property has frontage along a Federal, State or county highway;
    - (2) The minimum lot area is 12,000 square feet;
    - (3) There is one off-street parking space for each 50 square feet of floor area;
    - (4) The minimum size of the principal building is 2,000 square feet;
    - (5) Detached on-premises signs shall be limited to 40 square feet in area and six feet in height.
- (Ord. A-2248. Passed 4-9-01.)

**1147.30 MUNICIPAL OR GOVERNMENTAL BUILDING.**

- (a) Municipal or government buildings are conditionally permitted in the N-1, S-1, R-1, R-2, R-3, O-1, B-1, B-2, I-1, and I-2 Districts.
  - (b) Plans for exterior signs shall be approved by the Board of Appeals.
  - (c) Landscape, buffering and screening plans shall be approved by the Board.
  - (d) Plans for outdoor artificial lighting shall be approved by the Board.
- (Ord. A-2248. Passed 4-9-01.)

**1147.31 PRIVATE CLUB; PRIVATE LODGE.**

- (a) Private clubs and lodges are conditionally permitted in the R-3 District.
- (b) Plans for exterior signs and outdoor artificial lighting shall be approved by the Board of Appeals.
- (c) Any parking areas abutting residential uses shall be landscaped, buffered and screened as approved by the Board.

(Ord. A-2248. Passed 4-9-01.)

**1147.32 PUBLIC UTILITY BUILDING.**

- (a) Public utility buildings are conditionally permitted in the N-1, S-1, R-1, R-2, R-3, B-1, B-2 and B-5 Districts.
- (b) Only public utility buildings that are necessary for the furnishing of adequate service to the area shall be permitted. No garages, general offices, outdoor storage yards or warehouses shall be permitted.
- (c) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.
- (d) If the building abuts residential uses, it shall be landscaped, buffered and screened as approved by the Board of Appeals.

(Ord. A-2248. Passed 4-9-01.)

**1147.33 RESTAURANT; DRIVE-IN RESTAURANT; TAVERN.**

- (a) Restaurants and taverns are conditionally permitted in the B-1 District. Drive-in restaurants are conditionally permitted in the B-2 District.
- (b) Off-street parking shall be provided in accordance with Chapter 1141. Drive-in restaurants shall have an internal traffic and design plan approved by the Board of Appeals.
- (c) When abutting any N, S or R District, the off-street parking area shall be landscaped, buffered and screened as approved by the Board.

(Ord. A-2248. Passed 4-9-01.)

**1147.34 SELF-SERVICE STORAGE FACILITY.**

- (a) Self-service storage facilities are conditionally permitted in the B-2 District.
- (b) Plans for exterior business signs and outdoor artificial lighting shall be approved by the Board of Appeals.
- (c) All parking, loading and storage areas shall be constructed of a dust-free surface, such as asphalt, concrete or chip and seal.
- (d) No commercial warehousing shall be allowed in a self-service storage facility.
- (e) A stormwater management and erosion control plan shall be approved by the Board of Appeals.

(Ord. A-2248. Passed 4-9-01.)

**1147.35 GROUP HOME.**

- (a) Group homes are conditionally permitted in the R-3 District.
- (b) No group home shall be located within 1,000 feet from any other group home.
- (c) There shall be no change in the outside appearance of the house, and the house shall remain compatible with the rest of the neighborhood. Changes necessary to comply with code requirements shall be permitted.
- (d) The group home shall meet applicable fire, building and health codes prior to occupancy.

(Ord. A-2248. Passed 4-9-01.)

**1147.36 COMMERCIAL RECREATION FACILITY; BILLIARD ROOM OR POOL HALL.**

- (a) Commercial recreation facilities, billiard rooms and pool halls are conditionally permitted in the B-5 District.
- (b) No such uses shall be located within 100 feet of any S or R District.

**1147.37 COMMERCIAL PARKING FACILITY.**

- (a) Commercial parking facilities are conditionally permitted in the B-2 and B-5 Districts.
- (b) All commercial parking facilities shall have a minimum lot area of 5,000 square feet.
- (c) An internal traffic and design plan shall be approved by the Board of Appeals.
- (d) Commercial parking facilities shall meet applicable district and off-street parking regulations.

(Ord. A-2248. Passed 4-9-01.)

**1147.38 OUTDOOR STORAGE.**

- (a) Outdoor storage is conditionally permitted in the B-1, B-2, B-5, I-1 and I-2 Districts.
- (b) Such outdoor storage must be customarily incidental to a principal use in the district in which the outdoor storage is permitted.
- (c) Such outdoor storage is permitted in the rear yard only, subject to a minimum setback of 20 feet from an adjoining property line.
- (d) No outdoor storage shall face or be located within a one block perimeter of the Court Square within the B-5 District.
- (e) Where property lines separate a business or industrial district from a residential or office district, a visual and mechanical barrier, a minimum of six feet in height, shall be provided along or proximate to the common lot line, which may consist of any of the following:
  - (1) An evergreen hedge used with a chain link fence. Such hedge shall not be less than five feet in height.
  - (2) A solid fence of a non-deteriorating material.
  - (3) Masonry wall.
  - (4) Another suitable barrier approved by the Board of Appeals.

- (f) All outdoor storage must be located on the same zoning lot as the principal use.
- (g) Unless otherwise approved by the Board, areas used for such storage shall be furnished with an all weather hard surface of a material such as bituminous or Portland concrete cement.
- (h) Areas designated for required off-street loading and parking shall not be used for such outdoor storage.
- (i) Such storage shall not violate applicable Federal, State, or local laws specific to the use of solid, liquid and gaseous chemicals, materials or products.

(Ord. A-2248. Passed 4-9-01.)

**1147.39 OFF-STREET PARKING ACCESSORY TO ANY PRINCIPAL USE, EXCLUDING A DWELLING, NOT LOCATED ON THE SAME LOT AS THE PRINCIPAL USE.**

- (a) Such use is conditionally permitted in the R-2, R-3, O-1, B-1, B-2, B-5, I-1 and I-2 Districts.
- (b) When such off-street parking meets the definition of a commercial parking facility, the minimum lot area shall be 5,000 square feet.
- (c) An internal traffic and design plan shall be approved by the Board of Appeals.
- (d) Such off-street parking shall meet applicable district and off-street parking regulations.

(Ord. A-2248. Passed 4-9-01.)

**1147.40 MOTOR VEHICLE REPAIR GARAGE.**

- (a) Motor vehicle repair garages are conditionally permitted in the B-2 District.
- (b) All repair activity shall occur within a completely enclosed building.
- (c) Plans for exterior on-premises signs and outdoor artificial lighting shall be approved by the Board of Appeals. Off-premises signs shall be prohibited; all other exterior signs shall conform to the provisions of Chapter 1149.

(Ord. A-2288. Passed 1-14-02.)

**1147.41 EMERGENCY SHELTER**

- (a) Emergency shelter is conditionally permitted in the R-2, R-3, and O-1 Districts. Transitional shelter is conditionally permitted in the R-2 and R-3 Districts.
- (b) The occupancy load shall be limited to one person per every 200 square feet of gross floor area. Basement area shall not be included in the gross floor area calculation unless it has a direct, secondary means of access.
- (c) There shall be no change to the exterior appearance of the facility and the facility shall remain compatible with other dwellings/structures in the neighborhood.
- (d) No outside signage is allowed.
- (e) The facility must comply with all other applicable state and local codes, particularly fire and safety codes.

(Ord. A-2419. Passed 1-24-05)

**1147.42 SINGLE FAMILY RESIDENCE AS PART OF A FUNERAL HOME**

- (a) Single family residences as part of a funeral home or mortuary are conditionally permitted in the B-2 District.
- (b) The occupancy of the residence must be limited to the owner or operator of the funeral home.
- (c) The residence must be attached to the funeral home.

(Ord. A-2419. Passed 1-24-05)

**1147.43 CATERING**

- (a) Catering is conditionally permitted in the B-1 District
- (b) Off-street parking shall be provided in accordance with Chapter 1141.
- (c) When abutting any N, S, or R District, the off-street parking area shall be landscaped, buffered and screened as approved by the Board.
- (d) Space for loading and unloading of delivery vehicles and other large vehicles shall be provided off-street and shall be screened from abutting residential properties.

(Ord. A-2642. Passed 5-24-10)

**1147.44 LANDSCAPING SERVICE AND RETAIL BUSINESS**

- (a) Landscaping service and retail businesses are conditionally permitted in the I-1 and I-2 Districts
- (b) All equipment and materials storage areas shall be enclosed on all exterior sides by a fence or wall at least six feet in height, and in cases where the storage area abuts a N, S or R District, the fencing shall be opaque.
- (c) Plans for outdoor artificial lighting shall be approved by the Board of Appeals.

(Ord. A-2642. Passed 5-24-10)