

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 19-24

AN ORDINANCE TO AMEND SECTIONS 150.03, 150.04 150.11, AND 150.13, AND TO ADD SECTION 150.171 TO THE CHEVIOT CODE OF ORDINANCES TO CREATE AN OVERLAY ZONING DISTRICT FOR A PORTION OF THE BUSINESS "B" DISTRICT.

WHEREAS, the Business "B" Zone District use regulations adopted by this Council on September 2, 1997, and amended on October 3, 2006 and February 18, 2014, do not today preserve the unique business district character of this corridor and also impose regulations not easily met by new businesses; and

WHEREAS, this Council and the City of Cheviot City Planning Commission have reviewed and studied the Business "A," Business "B," and Business "B-1" Zone Districts and determined that new zoning regulations for a portion of the Business "B" Zone District (as designated on the official Cheviot Zoning Map) should be formulated through an Overlay Zoning District; and

WHEREAS, the City of Cheviot Planning Commission, by a vote of 5 to 0 cast on August 15, 2019, recommended that City Council approve an amendment of the zoning code to create an Overlay Zoning District; and

WHEREAS, upon providing notification as required by law, this Council held a public hearing on August 20, 2019 to consider the adoption of said amendment of the zoning code to create an Overlay Zoning District; and

WHEREAS, Cheviot Code of Ordinances, Section 150.03 concerning the definitions applicable to the City's planning and zoning code, Section 150.04 concerning the zones of the City, Section 150.11 concerning height, yard, and court regulations, and Section 150.13 concerning off-street parking requirements currently read as follows in the attached Exhibit "A," which is incorporated herein; and

WHEREAS, Cheviot Code of Ordinances, Sections 150.03, 150.04 150.11, and 150.13 shall be amended, and the new Section 150.171 shall be added, to create an overlay zoning district within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, THAT:

Section 1. Section 153.03, Definitions, of the Cheviot Code of Ordinances is hereby amended to add the following definition:

OVERLAY ZONE. An overlay zone is a zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district.

Section 2. The full text of amended Section 153.03, Definitions, is attached hereto in Exhibit "B," and is incorporated by reference.

Section 3. Section 150.04, Zones of City, Subsection (A), of the Cheviot Code of Ordinances is hereby amended to add the following subsection:

(A) For the purpose of this chapter, the city is divided into the following districts or zones:

(8) Business B Overlay Zone (as described in Section 150.171).

Section 5. The table included in Section 150.11, Height, Yard and Court Regulations, of the Cheviot Code of Ordinances is hereby amended as follows:

					MINIMUM COURT DIMENSIONS	
DISTRICT	MAXIMUM HEIGHT	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	INNER COURT	OUTER COURT
RES. & R-1	45 ft.	1st story-25 ft.	1st story-4 ft.	1st story-20 ft.	Each story in height-6 ft. min.	Each story in height-5 ft.
		Remainder-35 ft.	2nd story-6 ft.	Remainder-25 ft.		
			3rd. story-9 ft.	Over 10 ft. high-6 ft.		
			4th story-12 ft.	Under 10 ft. high-4 ft.		
			Remainder-15 ft.			
Multiple	60 ft.	Same as Office & Professional	Same as Office & Professional	Same as Office & Professional	Same as Office & Professional	Same as Office & Professional
Office & Professional	45 ft.	1st story-25 ft.	1st story-4 ft.	1st story-20 ft.		
		Remainder-35 ft.	2nd story-6 ft.	Remainder-25 ft.	Each story in height-6 ft. min.	Each story in height-5 ft.
			3rd. story-9 ft.		Over 10 ft. high-6 ft.	
			4th story-12 ft.		Under 10 ft. high-4 ft.	
			Remainder-15 ft.			

BUS. A	45 ft.	10 ft.	Not required	1st story-10 ft.	Each story in height-4 ft. min.	Each story in height-3 ft.
			Remainder-15 ft.		Over 10 ft. high-6 ft.	Minimum-4ft.
					Under 10 ft. high-4 ft.	
BUS. B	60 ft.	Not required	Not required	Non-res. occupancies	Each story in height-4 ft. min.	Each story in height-3 ft.
				1st story-none	Over 10 ft. high-6 ft.	Minimum-4ft.
				2nd story-10 ft.	Under 10 ft. high-4 ft.	
				3rd story-15 ft.		
				Above the 3rd story the yard shall increase at the rate of 3 ft. for each story		
BUS. B-1	60 ft.	10 ft.	Not required	Same as BUS. B	Same as BUS. B	Same as BUS. B
BUS. B - OZ	Same as BUS. B	Maximum front yard setback of 3 ft. from existing sidewalk	Same as BUS. B	Same as BUS. B	Same as BUS. B	Same as BUS. B

Section 6. The full text of amended Section 150.11, Height, Yard and Court Regulations is attached hereto in Exhibit "B," and is incorporated by reference.

Section 7. Section 150.13, Off-Street Parking Requirements, Subsection (C), of the Cheviot Code of Ordinances shall be amended to add the following subsection:

(C) In Business Districts (excepting the Business B-OZ District): For newly constructed buildings, rebuilt buildings, or buildings that are enlarged by 40% or more over their size on the date of adoption of this chapter or existing business buildings which change in their occupancy or use, such buildings shall have provided on the lot or within 300 feet of the lot the following parking space ratios, according to the type of occupancy. Present public parking lots and merchant-supported lots shall not be credited.

(7) This sub-section shall not apply to the B-OZ District, if the building is within 1,200 feet of a public parking lot, pursuant to Section 150.171(D)(1).

Section 8. Section 150.13, Off-Street Parking Requirements, Subsection (F), of the Cheviot Code of Ordinances shall be amended to add the following subsection:

(F) A building permit shall be required for every parking lot constructed. A parking plan must be submitted to the building inspector's office along with a registered survey when making application for a building permit. The building inspector's office shall submit the plat and survey to the secretary of the planning commission for approval before processing can proceed further for a building permit.

(9) Parking lots within the B-OZ District are subject to the additional requirements as set forth in Section 150.171(4).

Section 9. The full text of amended 150.13, Off-Street Parking Requirements is attached hereto in Exhibit "B," and is incorporated by reference.

Section 10. Existing Sections 150.03, 150.04 150.11, and 150.13, of the Cheviot Code of Ordinances, are hereby repealed and replaced by the amended sections as set forth in Exhibit "B," which is incorporated herein.

Section 11. Chapter 150: Zoning Code, of the Cheviot Code of Ordinances, is hereby amended to add the following Section 150.171, Overlay Zoning District:

150.171 OVERLAY ZONING DISTRICT.

(1) **Purpose.** The purpose of the Overlay Zoning District is as follows:

- (a) To promote development that emphasizes existing neighborhood business district character.
- (b) To promote redevelopment of the corridor in a coordinated manner.
- (c) To provide for the long-term sustainability of the business district and character of the community.

(2) **Designation of Overlay Zoning District.** A portion of the Business B Overlay Zoning District shall be designated by the abbreviation "B-OZ" on the official zoning map. All property so classified is subject to the provisions of this Chapter 150: Zoning.

(3) **Applicability of Overlay Zoning District.** The B-OZ shall operate as an overlay zone to a portion of the underlying Business B District. The regulations governing development of the B-OZ shall apply in addition to the regulations governing the underlying base district. In the event of an express conflict between the standards of the B-OZ and the Business B district, the standards governing the B-OZ shall control.

(4) Overlay Zoning District Regulations

- (a) **Front Yard Building Setback:** A new building shall have a maximum setback of three (3) feet from the existing sidewalk.
- (b) **Parking Lot Standard:** Any newly created parking lot adjacent to a sidewalk shall have a three (3) to four (4) feet high wrought iron fence to separate from pedestrian uses.

(c) Building Materials: All building finishing materials for new construction and facade remodeling that modifies at least 50% of that facade are acceptable excluding plywood, plastics, unfinished concrete block, prefab metal, and vinyl siding on the first floor of the building.

(d) Building Ingress/Egress: Primary entrance to the building shall face the major public street. If a corner lot, the primary entrance shall face the major public street. A "major public street" is defined as the street having the highest traffic count.

(e) Ground Floor Transparency: First floor facades, facing a major public street shall have fifty percent (50%) transparency; those facing a minor public street shall have twenty-five percent (25%) transparency. A "major public street" is defined as the street having the highest traffic count. This section shall apply to new construction and facade remodeling that modifies at least 50% of that facade.

(f) Off-Street Parking: Off-street parking requirements are not required providing the building is within 1,200 feet of a public parking lot.

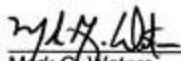
(g) Exterior Building Equipment and Structures:

(1) Rooftop HVAC - All mechanical equipment on a building rooftop shall be screened from view of the public street and adjacent properties.

(2) Dumpsters - Dumpsters shall be screened by a six-foot tall opaque fence equipped with a lockable gate.

Section 12. The full text of Section 150.171, Overlay Zoning District is attached hereto in Exhibit "C," and is incorporated by reference.

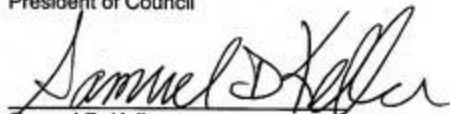
Section 13. This Ordinance shall be in effect at the earliest time allowed by law.



Mark G. Waters
President of Council

SEP 17 2019

Date passed



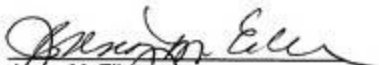
Samuel D. Keller
Mayor

SEP 17 2019

Date approved

Attest:

Approved as to form:



Jeffrey M. Eilerman
Clerk of Council



Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) 9-25, 2019, and
- 2) 10-2, 2019.



Jenny M. Eilermann
Clerk of Council

Exhibit A

Existing Versions of Cheviot Code of Ordinances

150.03 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively. Any words not herein defined shall be construed as defined in the building code.

ALLEY. Any public or private way, less than 21 feet in width.

APARTMENT. A dwelling unit designed for, or occupied by one family.

(1) **APARTMENT, EFFICIENCY.** An apartment which has a floor area of 800 square feet or less within its peripheral walls.

(2) **APARTMENT, REGULAR.** An apartment which has a floor area of more than 800 square feet within its peripheral walls.

AUTOMOBILE TRAILER. Any licensed vehicle used for sleeping or living quarters, or intended to be used for sleeping or living quarters, propelled either by its own power or by another power-driven licensed vehicle to which it may be attached, and having no foundation other than wheels with pneumatic tires.

BASEMENT. That portion of a building below or immediately above grade and not used for habitation other than janitor's or watchman's quarters. A basement shall not be considered as a story if the floor level is not less than 3 feet 6 inches below the average grade at the exterior walls of the building.

BILLBOARD SIGN. Any board, panel, tablet, or other sign placed in view of the general public for advertising purposes, where less than 60% of the area of the announcement, declaration, demonstration, display, or insignia appearing thereon is used to advertise the business conducted on the premises and minor products or commodities incidental thereto. The term **BILLBOARD SIGN** shall not be deemed to include any sign permitted in the residence district.

BOARD. The zoning board of appeals as created by § 150.14 of this chapter.

BUILDING. Any structure used or built for the shelter or enclosure of persons, animals, or chattels.

BUILDING, HEIGHT OF. The mean vertical distance from the average established grade in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of flat roofs, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof. Where a lot faces on 2 or more streets or alleys of different average established grades in front of the lot, the higher of the grades shall control only for a depth of 120 feet perpendicularly back from the street line of the higher street or alley. On a corner lot, the height is the mean vertical distance from the average established grade, or from the average natural grade at the building line or, if higher, on the street of greatest width, or if 2 or more such streets are of the same width, from the higher of the grades.

BUSINESS DISTRICT. A business district situated in the city only.

CITY. The City of Cheviot, and all areas within its boundaries.

COURT. An open space other than a yard on the same lot with a building.

(1) **COURT, INNER.** Any court other than an outer court.

(2) **COURT, OUTER.** A court extending to and opening upon a street, alley, or required yard.

DWELLING. A building occupied as an abode by one or more persons.

(1) **DWELLING, SINGLE-FAMILY.** A dwelling designed for or occupied exclusively by one family.

(2) **DWELLING, TWO-FAMILY.** A dwelling designed for or occupied exclusively by 2 families.

(3) **DWELLING, THREE-FAMILY.** A dwelling designed for or occupied exclusively by 3 families.

(4) **DWELLING, FOUR-FAMILY.** A dwelling designed for or occupied exclusively by 4 families.

(5) **DWELLING, MULTIPLE.** A dwelling designed for or occupied by more than 2 families.

FAMILY. An individual or 2 or more persons related by blood or marriage, or a group of not more than 5 persons (including servants), who need not be related by blood or marriage, living together in a dwelling or apartment.

GARAGE, PRIVATE. A building or a portion of a building, in which only motor vehicles used by the occupants of the building or buildings on the premises are stored or kept.

GARAGE, PUBLIC. A garage, other than a storage garage, where self-propelled vehicles or trailers are stored, equipped for operation, repaired, or kept for remuneration, hire, or sale.

HOTEL. Any dwelling licensed as such by the state fire marshal, and kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which 6 or more rooms are used for the accommodations of such guests, and having one or more dining rooms directly accessible from within the dwelling.

LOT. A piece or parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or which may hereafter be occupied by a building and buildings accessory thereto, is sufficient to furnish the yards and courts required for compliance with this chapter. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot, or at the points of intersection of the interior side lot lines with the street lot line, form an interior angle of less than 135 degrees. The point of intersection of the street lot lines or the tangents to curves is the corner.

LOT, CORNER. Any lot abutting upon 2 intersecting streets at their intersection, or upon 2 parts of the same street, and, in either case, forming an interior angle of less than 135 degrees.

LOT LINES. The lines bounding a lot.

(1) **LOT LINE, FRONT.** The line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line; provided that where the length of a shorter street line is less than 90% of the length of the longer street line, the shorter street line shall be considered the front lot line.

(2) **LOT LINE, REAR.** The lot line opposite the front lot line. In the case of an irregular, triangular, or gore-shaped lot, it shall mean a line within the lot, 10 feet long, parallel to and at the maximum distance from the front lot line.

(3) **LOT LINE, SIDE.** Any lot line not a front lot line or a rear lot line.

MOTEL. A building or group of buildings used for the temporary residence of transient motorists or travelers.

NONCONFORMING USE. One that does not conform with the use regulations of the district in which it is situated.

NURSING HOME. Any home used for the reception and care, for a consideration or not, of 3 or more persons who, by reason of illness or physical or mental impairment, require skilled nursing care. Skilled nursing care means those procedures commonly employed in providing for the physical, emotional, and rehabilitative needs of the ill or otherwise incapacitated which require technical skills and knowledge beyond that which the untrained person possesses.

OVERLAY ZONE. An overlay zone is a zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district.

PERSON. A mature person, his heirs, executors, administrators, or assigns, and also including firms, partnerships, or corporations, its or their successors or assigns, or the agent of any of them.

ROOMING HOUSE. A dwelling occupied by 3 or more roomers, or in which 3 or more rooms are kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay, provided that **HOTELS** as herein defined, and any dwelling in which one or 2 rooms within individual dwelling units are let out by the occupants of the units shall not be construed to be rooming houses for purposes of this chapter. No person shall operate or permit to be operated a rooming house without having a license or temporary certificate to do so, obtained from the safety-service director.

STORY. That part of a building, included between any floor and the floor or roof next above; provided, that for any purposes of regulating the dimensions of yards and courts, when the average story height of any building exceeds 12 feet, each 12 feet or fraction thereof of total building height shall be considered as a separate story, except the first story, which may be 15 feet high. A mezzanine story shall be deemed a full story where it covers more than 50% of the area of the story next below.

STREET. Any public or private way not less than 21 feet in width, whose primary function is to furnish the chief means of access to the properties abutting it.

STRUCTURE. Anything constructed, the use of which requires a permanent location on the ground, or attached to something having a permanent location on the ground.

STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams, or girders.

VACANT. That the building or land has not been used or occupied in whole or in part by any lawful nonconforming use for a period of 2 years.

WAREHOUSE. A building where wares or goods are stored.

YARD. An open space on the same lot with a building.

(1) **YARD, FRONT.** A yard extending across the full width of the lot, and measured between the front lot line and the building.

(2) **YARD, REAR.** A yard extending across the full width of the lot, and measured between the rear lot line and the building.

(3) **YARD, SIDE.** A yard extending from the front yard to the rear yard and measured between the side lot line and the building.

(73 Code, § 150.03)

150.04 ZONES OF CITY.

(A) For the purpose of this chapter, the city is divided into the following districts or zones:

- (1) Residence.
- (2) R-1.
- (3) Multiple.

- (4) Business A.
- (5) Business B.
- (6) Business B-1.
- (7) Office and Professional.

(B) The boundaries of these districts are established as shown on the building zone map, which is located in the office of the clerk. Where a district boundary line divides a lot which was in single ownership, and of record on the effective date of this chapter, the use authorized on and the district requirements of the least restricted portion of the lot shall be construed as extending to the entire lot; provided, that such extension shall not include any part of the lot which is more than 25 feet from the district boundary line. Questions concerning the exact location of district boundary lines shall be determined by the board as provided in § 150.14 (D).
(*73 Code, § 150.04)

150.11 HEIGHT, YARD, AND COURT REGULATIONS.

In the various districts there shall be provided on each lot a side yard along each side lot line, a rear yard, and a front yard, the minimum dimensions of which shall be in accordance with the table at the end of this section and the following regulations. The minimum dimensions of courts and the maximum height of structures shall also be in accordance with the following table and regulations.

(A) Every part of a required yard or court shall, from its lowest level to the sky, be unobstructed, except for the following building projections:

(1) Bays, balconies, dormers, vestibules, including the necessary cornices, eaves, gutters, fire escapes, and open stairways, may project into a required yard, provided none of these projections shall project into a required side yard more than 1/3 the width of the yard. Such projections shall in no case project more than three feet into a required yard, nor shall the sum of the lengths of these projections exceed 1/3 the length of the yard adjacent to the building. No enclosed projection into a required yard permitted under the provisions of this section shall exceed ten feet in length.

(2) Canopies and cornices, including the eaves and gutters, may project over a required yard, provided such projections shall not project over a required side yard more than 1/3 the width of the yard, nor more than three feet in any case.

(3) Chimneys, sills, belt courses, leaders, pilasters, and lintels may project into a required yard, provided none of these projections shall project into a required side yard more than 1-1/2 feet.

(4) Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

(B) Within the limits of a required yard or court, no structure, other than a retaining wall, shall exceed six feet in height.

(C) In Residence Districts, no accessory building on an interior or corner lot, fronting upon one street only, shall be erected in any open space except a rear yard. Accessory buildings shall not exceed one story in height, and may occupy in the aggregate not more than 30% of a required rear yard. Except as hereinafter provided, accessory buildings in Residence Districts shall be at least three feet from adjoining lots located in Residence Districts, and five feet from adjacent street lines. Farm buildings not for animals or fowl may be erected to a height exceeding one

story, provided no part of any such building be located within 15 feet of any adjoining lot in the Residence District.

(D) In the Residence District, no accessory building on a corner lot, where the rear yard is adjacent to the side yard of an adjoining lot, shall project more than 25 feet from the interior side lot line of the corner lot. Where the accessory building on such corner lot is distant 40 feet or more, the requirements of this section shall not apply.

(E) In the Residence District, accessory buildings on a through lot may be erected in the yard space adjacent to the street affording secondary access to the lot, provided the buildings comply with the front and side yard requirement of this chapter for a principal building.

(F) In the Residence District where the natural grade of a lot is more than eight feet above the average established grade of the street upon which the lot abuts, private or storage garages may be erected within any yard space, provided the floor level of such garages shall be not more than one foot above the established grade of such street, and at least 50% of the garage shall be below grade. These garages shall be distant at least two feet from adjoining lots located in the Residence District, and five feet from adjacent street lines, except in cases where a retaining wall not less than four feet in height is located on the lot less than five feet from an adjacent street; then the garages may extend to the line of the retaining wall, provided the garage doors are arranged so that at no time shall the same extend beyond any street line.

(G) Accessory buildings, except stables, may be erected as a part of the principal building if all yard and court requirements of this chapter are complied with.

(H) No lot shall be so reduced in area as to make any open space less than the minimum requirements prescribed herein. This shall not be construed to prevent the sale of an individual unit of a multiple dwelling in which all rooms are lighted and ventilated from a street or rear yard.

(I) Where a lot extends through the block from street to street, the required front yards shall be provided along each street. Additional open space equivalent to the area of a required yard may be provided upon the lot in lieu of a required rear yard. Where the depth of the lot is less than 175 feet, no rear yard shall be required.

(J) Where a side wall of a building is not parallel with the side lot line, or where a side yard is irregular, the average side yard width may be considered the required width, provided the side yard shall not be narrower than three feet nor less than 1/2 the required minimum width at any point, and the side yard width along any unbroken section of side wall shall not be less than that required for a wall of equivalent length and story height. Recesses, offsets, or courts having an open end at least six feet wide abutting a required side yard may be assumed to be a portion of the side yard for a depth not exceeding the width of the abutting open side.

(K) Where the length of the side yard adjacent to the side walls of a building is more than 50 feet, measured parallel to the adjoining side lot line, the required minimum widths shall be increased by one inch for each foot that such length exceeds 50 feet.

(L) On lots less than 50 feet wide and of record on the effective date of this chapter, the required side yard may be reduced 1-1/2 inches for each foot the lot is less than 50 feet in width; provided, that in no case shall the width of the side yard be reduced to less than three feet.

(M) In computing the dimension of a rear yard or court adjoining a public alley, 1/2 of the alley may be assumed to be a portion of the yard or court. The portion of a yard opposite the open end of an outer court may be assumed to be a portion of the court.

(N) In the case of an irregular, triangular, or gore-shaped lot, the required minimum depth of a rear yard may be deemed to be the average depth; provided, that no rear yard so averaged shall be less than ten feet or 1/2 the required minimum depth at any point.

(O) On lots less than 120 feet deep and of record on the effective date of this chapter, the depth of a required rear yard may be reduced two inches for every foot the lot is less than 120 feet deep; provided, that in no case shall the depth of the required rear yard be reduced to less than ten feet.

(P) The minimum area of an inner court shall be not less than twice the square of its required minimum dimension.

(Q) Where new buildings are built between developed properties in Residence, Multiple, and Office and Professional Districts the front yard setback shall be the average setback of the existing buildings in the same block, but not less than 25 feet.

('73 Code, § 150.11) (Am. Ord. 06-14, passed 10-3-06)

					MINIMUM COURT DIMENSIONS	
DISTRICT	MAXIMUM HEIGHT	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	INNER COURT	OUTER COURT
RES. & R-1	45 ft.	1st story-25 ft.	1st story-4 ft.	1st story-20 ft.	Each story in height-6 ft. min.	Each story in height-5 ft.
		Remainder-35 ft.	2nd story-6 ft.	Remainder-25 ft.		
			3rd. story-9 ft.	Over 10 ft. high-6 ft.		
			4th story-12 ft.	Under 10 ft. high-4 ft.		
			Remainder-15 ft.			
Multiple	60 ft.	Same as Office & Professional	Same as Office & Professional	Same as Office & Professional	Same as Office & Professional	Same as Office & Professional
Office & Professional	45 ft.	1st story-25 ft.	1st story-4 ft.	1st story-20 ft.		
		Remainder-35 ft.	2nd story-6 ft.	Remainder-25 ft.	Each story in height-6 ft. min.	Each story in height-5 ft.
			3rd. story-9 ft.		Over 10 ft. high-6 ft.	
			4th story-12 ft.		Under 10 ft. high-4 ft.	
			Remainder-15 ft.			
BUS. A	45 ft.	10 ft.	Not required	1st story-10 ft.	Each story in height-4 ft. min.	Each story in height-3 ft.

			Remainder- 15 ft.		Over 10 ft. high-6 ft.	Minimum- 4ft.
					Under 10 ft. high-4 ft.	
BUS. B	60 ft.	Not required	Not required	Non-res. occupancies	Each story in height-4 ft. min.	Each story in height-3 ft.
				1st story-none	Over 10 ft. high-6 ft.	Minimum- 4ft.
				2nd story-10 ft.	Under 10 ft. high-4 ft.	
				3rd story-15 ft.		
				Above the 3rd story the yard shall increase at the rate of 3 ft. for each story		

* Note: If a residence or multiple dwelling is to be built in Bus. A-B or B1 zones - the same restrictions shall prevail as if they were being built in their respective zones.

For additional requirements and exceptions see:

Heights - § 150.12(A)

Front yard - §§ 150.11(I), 150.12(A), (C), (D) and (E)

Side yard - §§ 150.11(J), (K), (L), 150.12(A) and (F)

Rear yard - §§ 150.11(M), (N), (O), 150.12(A) and (G)

Inner court - §§ 150.11(M), (P), 150.12(F)

Outer court - §§ 150.11(M) and 150.12(F)

150.13 OFF-STREET PARKING REQUIREMENTS.

(A) Each dwelling, except for the Residence District and the R-1 District, shall have provided on the lot of the dwelling 1-1/2 parking spaces for each family unit in the dwelling up to and including 15 units. For a dwelling of 16 units and up, 2 parking spaces will be required for each family unit in the dwelling.

(B) In the Office and Professional Districts, buildings shall have provided on the lot one car space for each 600 square feet of floor space used for office or professional purposes, not including storage or basement areas. However, where the basement is used as an office or apartment, the basement area shall be included in determining parking requirements.

(C) In Business Districts: For newly constructed buildings, rebuilt buildings, or buildings that are enlarged by 40% or more over their size on the date of adoption of this chapter or existing business buildings which change in their occupancy or use, such buildings shall have provided on the lot or within 300 feet of the lot the following parking space ratios, according to the type of occupancy. Present public parking lots and merchant-supported lots shall not be credited.

(1) Residential: As in division (A) above.

(2) Office and Professional: As in division (B) above.

(3) Theatres, places of assembly, restaurants, bars, beauty shops, barber shops, etc: One parking space for every 4 seats in the establishment.

(4) Food stores: One parking space for every 150 square feet of sales area in the building.
(5) Other retail stores (other than food stores): One parking space for every 200 square feet of sales area in the building.

(6) Outdoor amusements: One parking space for each 1,000 square feet of amusement area.
(D) In Multiple and Office and Professional Districts: All parking must be provided in side and rear yards. No parking will be permitted in the front yard minimum setback area.

(E) Each required parking space shall be individually accessible without the need of moving any other vehicle. Where parking lots require more than 6 parking spaces, they shall have at least one 2-way ingress and egress driveway, or shall have a single-lane ingress specifically marked "IN," and a single-lane egress specifically marked "OUT." Size of parking spaces, width of aisles, and maneuvering space shall be in accordance with good practice for self-parking facilities.

(F) A building permit shall be required for every parking lot constructed. A parking plan must be submitted to the building inspector's office along with a registered survey when making application for a building permit. The building inspector's office shall submit the plat and survey to the secretary of the planning commission for approval before processing can proceed further for a building permit.

(1) A separate permit and license shall be required for any plumbing work involved within or outside the property, and for any concrete work (paving and curbs) outside the property in the public rights-of-way.

(2) Parking lots shall be uniformly graded to provide positive drainage to internal drains or trench type drains at drive approaches. The drawings submitted shall indicate the existing and proposed finished grades and contours. Storm water drainage onto neighboring property is prohibited.

(3) Finished surfaces of parking lots shall be of concrete or well compacted, and with smooth bituminous paving.

(4) Each parking stall shall be at least 20 feet long and at least 9 feet wide, but not less than 200 square feet in area. Each space shall be identified by painted stripes. Concrete or bituminous wheel stops shall be provided when abutting on neighboring property or public rights-of-way.

(5) Single-lane drives shall be at least 12 feet wide and double-lane drives at least 20 feet wide. Drive approaches shall be constructed of concrete at least 7 inches thick, 4200 p.s.i., 28-day strength.

(6) Parking lot lighting luminaries, if used, shall be directed away from neighboring property and public rights-of-way. Lights and their direction shall be indicated on building permit application drawings.

(7) Obscure screening, either fence or shrubbery, at least 4 feet high shall be provided next to property lines which abut the Residence and R-1 Districts. Such screening shall be shown on application drawings for building permit.

(8) Schedule of building permit fee is available in the office of the building commissioner.

(G) Any change in use of residential buildings in Office and Professional Districts shall require full compliance with all provisions of this chapter.

(*73 Code, § 150.13) (Ord. 1328, passed 6-25-85) Penalty, see § 150.99

Exhibit B

Amended Versions of Cheviot Code of Ordinances

150.03 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively. Any words not herein defined shall be construed as defined in the building code.

ALLEY. Any public or private way, less than 21 feet in width.

APARTMENT. A dwelling unit designed for, or occupied by one family.

(1) **APARTMENT, EFFICIENCY.** An apartment which has a floor area of 800 square feet or less within its peripheral walls.

(2) **APARTMENT, REGULAR.** An apartment which has a floor area of more than 800 square feet within its peripheral walls.

AUTOMOBILE TRAILER. Any licensed vehicle used for sleeping or living quarters, or intended to be used for sleeping or living quarters, propelled either by its own power or by another power-driven licensed vehicle to which it may be attached, and having no foundation other than wheels with pneumatic tires.

BASEMENT. That portion of a building below or immediately above grade and not used for habitation other than janitor's or watchman's quarters. A basement shall not be considered as a story if the floor level is not less than 3 feet 6 inches below the average grade at the exterior walls of the building.

BILLBOARD SIGN. Any board, panel, tablet, or other sign placed in view of the general public for advertising purposes, where less than 60% of the area of the announcement, declaration, demonstration, display, or insignia appearing thereon is used to advertise the business conducted on the premises and minor products or commodities incidental thereto. The term **BILLBOARD SIGN** shall not be deemed to include any sign permitted in the residence district.

BOARD. The zoning board of appeals as created by § 150.14 of this chapter.

BUILDING. Any structure used or built for the shelter or enclosure of persons, animals, or chattels.

BUILDING, HEIGHT OF. The mean vertical distance from the average established grade in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of flat roofs, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof. Where a lot faces on 2 or more streets or alleys of different average established grades in front of the lot, the higher of the grades shall control only for a depth of 120 feet perpendicularly back from the street line of the higher street or alley. On a corner lot, the height is the mean vertical distance from the average established grade, or from the average natural grade at the building line or, if higher, on the street of greatest width, or if 2 or more such streets are of the same width, from the higher of the grades.

BUSINESS DISTRICT. A business district situated in the city only.

CITY. The City of Cheviot, and all areas within its boundaries.

COURT. An open space other than a yard on the same lot with a building.

(1) **COURT, INNER.** Any court other than an outer court.

(2) **COURT, OUTER.** A court extending to and opening upon a street, alley, or required yard.

DWELLING. A building occupied as an abode by one or more persons.

(1) **DWELLING, SINGLE-FAMILY.** A dwelling designed for or occupied exclusively by one family.

(2) **DWELLING, TWO-FAMILY.** A dwelling designed for or occupied exclusively by 2 families.

(3) **DWELLING, THREE-FAMILY.** A dwelling designed for or occupied exclusively by 3 families.

(4) **DWELLING, FOUR-FAMILY.** A dwelling designed for or occupied exclusively by 4 families.

(5) **DWELLING, MULTIPLE.** A dwelling designed for or occupied by more than 2 families.

FAMILY. An individual or 2 or more persons related by blood or marriage, or a group of not more than 5 persons (including servants), who need not be related by blood or marriage, living together in a dwelling or apartment.

GARAGE, PRIVATE. A building or a portion of a building, in which only motor vehicles used by the occupants of the building or buildings on the premises are stored or kept.

GARAGE, PUBLIC. A garage, other than a storage garage, where self-propelled vehicles or trailers are stored, equipped for operation, repaired, or kept for remuneration, hire, or sale.

HOTEL. Any dwelling licensed as such by the state fire marshal, and kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which 6 or more rooms are used for the accommodations of such guests, and having one or more dining rooms directly accessible from within the dwelling.

LOT. A piece or parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or which may hereafter be occupied by a building and buildings accessory thereto, is sufficient to furnish the yards and courts required for compliance with this chapter. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot, or at the points of intersection of the interior side lot lines with the street lot line, form an interior angle of less than 135 degrees. The point of intersection of the street lot lines or the tangents to curves is the corner.

LOT, CORNER. Any lot abutting upon 2 intersecting streets at their intersection, or upon 2 parts of the same street, and, in either case, forming an interior angle of less than 135 degrees.

LOT LINES. The lines bounding a lot.

(1) **LOT LINE, FRONT.** The line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line; provided that where the length of a shorter street line is less than 90% of the length of the longer street line, the shorter street line shall be considered the front lot line.

(2) **LOT LINE, REAR.** The lot line opposite the front lot line. In the case of an irregular, triangular, or gore-shaped lot, it shall mean a line within the lot, 10 feet long, parallel to and at the maximum distance from the front lot line.

(3) **LOT LINE, SIDE.** Any lot line not a front lot line or a rear lot line.

MOTEL. A building or group of buildings used for the temporary residence of transient motorists or travelers.

NONCONFORMING USE. One that does not conform with the use regulations of the district in which it is situated.

NURSING HOME. Any home used for the reception and care, for a consideration or not, of 3 or more persons who, by reason of illness or physical or mental impairment, require skilled

nursing care. Skilled nursing care means those procedures commonly employed in providing for the physical, emotional, and rehabilitative needs of the ill or otherwise incapacitated which require technical skills and knowledge beyond that which the untrained person possesses.

PERSON. A mature person, his heirs, executors, administrators, or assigns, and also including firms, partnerships, or corporations, its or their successors or assigns, or the agent of any of them.

ROOMING HOUSE. A dwelling occupied by 3 or more roomers, or in which 3 or more rooms are kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay, provided that **HOTELS** as herein defined, and any dwelling in which one or 2 rooms within individual dwelling units are let out by the occupants of the units shall not be construed to be rooming houses for purposes of this chapter. No person shall operate or permit to be operated a rooming house without having a license or temporary certificate to do so, obtained from the safety-service director.

STORY. That part of a building, included between any floor and the floor or roof next above; provided, that for any purposes of regulating the dimensions of yards and courts, when the average story height of any building exceeds 12 feet, each 12 feet or fraction thereof of total building height shall be considered as a separate story, except the first story, which may be 15 feet high. A mezzanine story shall be deemed a full story where it covers more than 50% of the area of the story next below.

STREET. Any public or private way not less than 21 feet in width, whose primary function is to furnish the chief means of access to the properties abutting it.

STRUCTURE. Anything constructed, the use of which requires a permanent location on the ground, or attached to something having a permanent location on the ground.

STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams, or girders.

VACANT. That the building or land has not been used or occupied in whole or in part by any lawful nonconforming use for a period of 2 years.

WAREHOUSE. A building where wares or goods are stored.

YARD. An open space on the same lot with a building.

(1) **YARD, FRONT.** A yard extending across the full width of the lot, and measured between the front lot line and the building.

(2) **YARD, REAR.** A yard extending across the full width of the lot, and measured between the rear lot line and the building.

(3) **YARD, SIDE.** A yard extending from the front yard to the rear yard and measured between the side lot line and the building.

(*73 Code, § 150.03)

150.04 ZONES OF CITY.

(A) For the purpose of this chapter, the city is divided into the following districts or zones:

- (1) Residence.
- (2) R-1.
- (3) Multiple.
- (4) Business A.
- (5) Business B.
- (6) Business B-1.
- (7) Office and Professional.

(8) Business B Overlay Zone (as described in Section 150.171).

(B) The boundaries of these districts are established as shown on the building zone map, which is located in the office of the clerk. Where a district boundary line divides a lot which was in single ownership, and of record on the effective date of this chapter, the use authorized on and the district requirements of the least restricted portion of the lot shall be construed as extending to the entire lot; provided, that such extension shall not include any part of the lot which is more than 25 feet from the district boundary line. Questions concerning the exact location of district boundary lines shall be determined by the board as provided in § 150.14 (D).
(73 Code, § 150.04)

150.11 HEIGHT, YARD, AND COURT REGULATIONS.

In the various districts there shall be provided on each lot a side yard along each side lot line, a rear yard, and a front yard, the minimum dimensions of which shall be in accordance with the table at the end of this section and the following regulations. The minimum dimensions of courts and the maximum height of structures shall also be in accordance with the following table and regulations.

(A) Every part of a required yard or court shall, from its lowest level to the sky, be unobstructed, except for the following building projections:

(1) Bays, balconies, dormers, vestibules, including the necessary cornices, eaves, gutters, fire escapes, and open stairways, may project into a required yard, provided none of these projections shall project into a required side yard more than $\frac{1}{3}$ the width of the yard. Such projections shall in no case project more than three feet into a required yard, nor shall the sum of the lengths of these projections exceed $\frac{1}{3}$ the length of the yard adjacent to the building. No enclosed projection into a required yard permitted under the provisions of this section shall exceed ten feet in length.

(2) Canopies and cornices, including the eaves and gutters, may project over a required yard, provided such projections shall not project over a required side yard more than $\frac{1}{3}$ the width of the yard, nor more than three feet in any case.

(3) Chimneys, sills, belt courses, leaders, pilasters, and lintels may project into a required yard, provided none of these projections shall project into a required side yard more than $1\frac{1}{2}$ feet.

(4) Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

(B) Within the limits of a required yard or court, no structure, other than a retaining wall, shall exceed six feet in height.

(C) In Residence Districts, no accessory building on an interior or corner lot, fronting upon one street only, shall be erected in any open space except a rear yard. Accessory buildings shall not exceed one story in height, and may occupy in the aggregate not more than 30% of a required rear yard. Except as hereinafter provided, accessory buildings in Residence Districts shall be at least three feet from adjoining lots located in Residence Districts, and five feet from adjacent street lines. Farm buildings not for animals or fowl may be erected to a height exceeding one story, provided no part of any such building be located within 15 feet of any adjoining lot in the Residence District.

(D) In the Residence District, no accessory building on a corner lot, where the rear yard is adjacent to the side yard of an adjoining lot, shall project more than 25 feet from the interior side lot line of the corner lot. Where the accessory building on such corner lot is distant 40 feet or more, the requirements of this section shall not apply.

(E) In the Residence District, accessory buildings on a through lot may be erected in the yard space adjacent to the street affording secondary access to the lot, provided the buildings comply with the front and side yard requirement of this chapter for a principal building.

(F) In the Residence District where the natural grade of a lot is more than eight feet above the average established grade of the street upon which the lot abuts, private or storage garages may be erected within any yard space, provided the floor level of such garages shall be not more than one foot above the established grade of such street, and at least 50% of the garage shall be below grade. These garages shall be distant at least two feet from adjoining lots located in the Residence District, and five feet from adjacent street lines, except in cases where a retaining wall not less than four feet in height is located on the lot less than five feet from an adjacent street; then the garages may extend to the line of the retaining wall, provided the garage doors are arranged so that at no time shall the same extend beyond any street line.

(G) Accessory buildings, except stables, may be erected as a part of the principal building if all yard and court requirements of this chapter are complied with.

(H) No lot shall be so reduced in area as to make any open space less than the minimum requirements prescribed herein. This shall not be construed to prevent the sale of an individual unit of a multiple dwelling in which all rooms are lighted and ventilated from a street or rear yard.

(I) Where a lot extends through the block from street to street, the required front yards shall be provided along each street. Additional open space equivalent to the area of a required yard may be provided upon the lot in lieu of a required rear yard. Where the depth of the lot is less than 175 feet, no rear yard shall be required.

(J) Where a side wall of a building is not parallel with the side lot line, or where a side yard is irregular, the average side yard width may be considered the required width, provided the side yard shall not be narrower than three feet nor less than 1/2 the required minimum width at any point, and the side yard width along any unbroken section of side wall shall not be less than that required for a wall of equivalent length and story height. Recesses, offsets, or courts having an open end at least six feet wide abutting a required side yard may be assumed to be a portion of the side yard for a depth not exceeding the width of the abutting open side.

(K) Where the length of the side yard adjacent to the side walls of a building is more than 50 feet, measured parallel to the adjoining side lot line, the required minimum widths shall be increased by one inch for each foot that such length exceeds 50 feet.

(L) On lots less than 50 feet wide and of record on the effective date of this chapter, the required side yard may be reduced 1-1/2 inches for each foot the lot is less than 50 feet in width; provided, that in no case shall the width of the side yard be reduced to less than three feet.

(M) In computing the dimension of a rear yard or court adjoining a public alley, 1/2 of the alley may be assumed to be a portion of the yard or court. The portion of a yard opposite the open end of an outer court may be assumed to be a portion of the court.

(N) In the case of an irregular, triangular, or gore-shaped lot, the required minimum depth of a rear yard may be deemed to be the average depth; provided, that no rear yard so averaged shall be less than ten feet or 1/2 the required minimum depth at any point.

(O) On lots less than 120 feet deep and of record on the effective date of this chapter, the depth of a required rear yard may be reduced two inches for every foot the lot is less than 120 feet deep; provided, that in no case shall the depth of the required rear yard be reduced to less than ten feet.

(P) The minimum area of an inner court shall be not less than twice the square of its required minimum dimension.

(Q) Where new buildings are built between developed properties in Residence, Multiple, and Office and Professional Districts the front yard setback shall be the average setback of the existing buildings in the same block, but not less than 25 feet.

('73 Code, § 150.11) (Am. Ord. 06-14, passed 10-3-06)

					MINIMUM COURT DIMENSIONS	
DISTRICT	MAXIMUM HEIGHT	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	INNER COURT	OUTER COURT
RES. & R-1	45 ft.	1st story-25 ft.	1st story-4 ft.	1st story-20 ft.	Each story in height-6 ft. min.	Each story in height-5 ft.
		Remainder-35 ft.	2nd story-6 ft.	Remainder-25 ft.		
			3rd. story-9 ft.	Over 10 ft. high-6 ft.		
			4th story-12 ft.	Under 10 ft. high-4 ft.		
			Remainder-15 ft.			
Multiple	60 ft.	Same as Office & Professional	Same as Office & Professional	Same as Office & Professional	Same as Office & Professional	Same as Office & Professional
Office & Professional	45 ft.	1st story-25 ft.	1st story-4 ft.	1st story-20 ft.		
		Remainder-35 ft.	2nd story-6 ft.	Remainder-25 ft.	Each story in height-6 ft. min.	Each story in height-5 ft.
			3rd. story-9 ft.		Over 10 ft. high-6 ft.	
			4th story-12 ft.		Under 10 ft. high-4 ft.	
			Remainder-15 ft.			
BUS. A	45 ft.	10 ft.	Not required	1st story-10 ft.	Each story in height-4 ft. min.	Each story in height-3 ft.
			Remainder-15 ft.		Over 10 ft. high-6 ft.	Minimum-4ft.

					Under 10 ft. high-4 ft.	
BUS. B	60 ft.	Not required	Not required	Non-res. occupancies	Each story in height-4 ft. min.	Each story in height-3 ft.
				1st story-none	Over 10 ft. high-6 ft.	Minimum-4ft.
				2nd story-10 ft.	Under 10 ft. high-4 ft.	
				3rd story-15 ft.		
				Above the 3rd story the yard shall increase at the rate of 3 ft. for each story		
BUS. B-1	60 ft.	10 ft.	Not required	Same as BUS. B	Same as BUS. B	Same as BUS. B
BUS. B - OZ	Same as BUS. B	Maximum front yard setback of 3 ft. from existing sidewalk	Same as BUS. B	Same as BUS. B	Same as BUS. B	Same as BUS. B

* Note: If a residence or multiple dwelling is to be built in Bus. A-B or B1 zones - the same restrictions shall prevail as if they were being built in their respective zones.

For additional requirements and exceptions see:

Heights - § 150.12(A)

Front yard - §§ 150.11(I), 150.12(A), (C), (D) and (E)

Side yard - §§ 150.11(J), (K), (L), 150.12(A) and (F)

Rear yard - §§ 150.11(M), (N), (O), 150.12(A) and (G)

Inner court - §§ 150.11(M), (P), 150.12(F)

Outer court - §§ 150.11(M) and 150.12(F)

150.13 OFF-STREET PARKING REQUIREMENTS.

(A) Each dwelling, except for the Residence District and the R-1 District, shall have provided on the lot of the dwelling 1-1/2 parking spaces for each family unit in the dwelling up to and including 15 units. For a dwelling of 16 units and up, 2 parking spaces will be required for each family unit in the dwelling.

(B) In the Office and Professional Districts, buildings shall have provided on the lot one car space for each 600 square feet of floor space used for office or professional purposes, not including storage or basement areas. However, where the basement is used as an office or apartment, the basement area shall be included in determining parking requirements.

(C) In Business Districts (excepting the Business B-OZ District): For newly constructed buildings, rebuilt buildings, or buildings that are enlarged by 40% or more over their size on the date of adoption of this chapter or existing business buildings which change in their occupancy or use, such buildings shall have provided on the lot or within 300 feet of the lot the following

parking space ratios, according to the type of occupancy. Present public parking lots and merchant-supported lots shall not be credited.

- (1) Residential: As in division (A) above.
- (2) Office and Professional: As in division (B) above.
- (3) Theatres, places of assembly, restaurants, bars, beauty shops, barber shops, etc.: One parking space for every 4 seats in the establishment.
- (4) Food stores: One parking space for every 150 square feet of sales area in the building.
- (5) Other retail stores (other than food stores): One parking space for every 200 square feet of sales area in the building.

(6) Outdoor amusements: One parking space for each 1,000 square feet of amusement area.

(7) This sub-section shall not apply to the B-OZ District, if the building is within 1,200 feet of a public parking lot, pursuant to Section 150.171(D)(1).

(D) In Multiple and Office and Professional Districts: All parking must be provided in side and rear yards. No parking will be permitted in the front yard minimum setback area.

(E) Each required parking space shall be individually accessible without the need of moving any other vehicle. Where parking lots require more than 6 parking spaces, they shall have at least one 2-way ingress and egress driveway, or shall have a single-lane ingress specifically marked "IN," and a single-lane egress specifically marked "OUT." Size of parking spaces, width of aisles, and maneuvering space shall be in accordance with good practice for self-parking facilities.

(F) A building permit shall be required for every parking lot constructed. A parking plan must be submitted to the building inspector's office along with a registered survey when making application for a building permit. The building inspector's office shall submit the plat and survey to the secretary of the planning commission for approval before processing can proceed further for a building permit.

(1) A separate permit and license shall be required for any plumbing work involved within or outside the property, and for any concrete work (paving and curbs) outside the property in the public rights-of-way.

(2) Parking lots shall be uniformly graded to provide positive drainage to internal drains or trench type drains at drive approaches. The drawings submitted shall indicate the existing and proposed finished grades and contours. Storm water drainage onto neighboring property is prohibited.

(3) Finished surfaces of parking lots shall be of concrete or well compacted, and with smooth bituminous paving.

(4) Each parking stall shall be at least 20 feet long and at least 9 feet wide, but not less than 200 square feet in area. Each space shall be identified by painted stripes. Concrete or bituminous wheel stops shall be provided when abutting on neighboring property or public rights-of-way.

(5) Single-lane drives shall be at least 12 feet wide and double-lane drives at least 20 feet wide. Drive approaches shall be constructed of concrete at least 7 inches thick, 4200 p.s.i., 28-day strength.

(6) Parking lot lighting luminaries, if used, shall be directed away from neighboring property and public rights-of-way. Lights and their direction shall be indicated on building permit application drawings.

(7) Obscure screening, either fence or shrubbery, at least 4 feet high shall be provided next to property lines which abut the Residence and R-1 Districts. Such screening shall be shown on application drawings for building permit.

(8) Schedule of building permit fee is available in the office of the building commissioner.

(9) Parking lots within the OZ District are subject to the additional requirements as set forth in Section 150.171(4).

(G) Any change in use of residential buildings in Office and Professional Districts shall require full compliance with all provisions of this chapter.

(73 Code, § 150.13) (Ord. 1328, passed 6-25-85) Penalty, see § 150.99

Exhibit C

New Section 150.171 of Cheviot Code of Ordinances

150.171 OVERLAY ZONING DISTRICT.

(1) **Purpose.** The purpose of the Overlay Zoning District is as follows:

- (a) To promote development that emphasizes existing neighborhood business district character.
- (b) To promote redevelopment of the corridor in a coordinated manner.
- (c) To provide for the long-term sustainability of the business district and character of the community.

(2) **Designation of Overlay Zoning District.** A portion of the Business B Overlay Zoning District shall be designated by the abbreviation "B-OZ" on the official zoning map. All property so classified is subject to the provisions of this Chapter 150: Zoning.

(3) **Applicability of Overlay Zoning District.** The B-OZ shall operate as an overlay zone to a portion of the underlying Business B District. The regulations governing development of the B-OZ shall apply in addition to the regulations governing the underlying base district. In the event of an express conflict between the standards of the B-OZ and the Business B district, the standards governing the B-OZ shall control.

(4) Overlay Zoning District Regulations

(a) **Front Yard Building Setback:** A new building shall have a maximum setback of three (3) feet from the existing sidewalk.

(b) **Parking Lot Standard:** Any newly created parking lot adjacent to a sidewalk shall have a three (3) to four (4) feet high wrought iron fence to separate from pedestrian uses.

(c) **Building Materials:** All building finishing materials for new construction and facade remodeling that modifies at least 50% of that facade are acceptable excluding plywood, plastics, unfinished concrete block, prefab metal, and vinyl siding on the first floor of the building.

(d) **Building Ingress/Egress:** Primary entrance to the building shall face the major public street. If a corner lot, the primary entrance shall face the major public street. A "major public street" is defined as the street having the highest traffic count.

(e) **Ground Floor Transparency:** First floor facades, facing a major public street shall have fifty percent (50%) transparency; those facing a minor public street shall have twenty-five percent (25%) transparency. A "major public street" is defined as the street having the highest traffic count. This section shall apply to new construction and facade remodeling that modifies at least 50% of that facade.

(f) **Off-Street Parking:** Off-street parking requirements are not required providing the building is within 1,200 feet of a public parking lot.

(g) Exterior Building Equipment and Structures:

(1) **Rooftop HVAC -** All mechanical equipment on a building rooftop shall be screened from view of the public street and adjacent properties.

(2) **Dumpsters -** Dumpsters shall be screened by a six-foot tall opaque fence equipped with a lockable gate.