

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 19-25

AN ORDINANCE TO AMEND SECTIONS 150.03, 150.06, and 150.07 OF THE CHEVIOT CODE OF ORDINANCES TO PROHIBIT THE CULTIVATION, PROCESSING, AND SALE OF MEDICAL MARIJUANA IN ALL ZONING DISTRICTS OF THE CITY OF CHEVIOT.

WHEREAS, Ohio Revised Code Chapter 3796 authorizes the use of marijuana for medical purposes; and

WHEREAS, Ohio Revised Code Section 3796.29 expressly authorizes the legislative authority of a municipal corporation to adopt by ordinance restrictions, including the prohibition of cultivators, processors, or retail dispensaries within the said municipal corporation; and

WHEREAS, this Council passed Resolution 17-15 and Ordinances 18-02, 19-01, 19-11, and 19-19 which placed a moratorium on the issuance of business permits for medical marijuana dispensaries, as defined by Ohio Revised Code Chapter 3796, and said moratorium is set to expire on December 2, 2019; and

WHEREAS, this Council finds and determines that it is in the best interest of the community health, safety, and welfare to prohibit the cultivation, processing, and sale of medical marijuana in any form within the City; 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 prohibit the cultivation, processing, and sale of medical marijuana in any form within the City; 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 prohibit the cultivation, processing, and sale of medical marijuana in any form within the City; and

WHEREAS, Cheviot Code of Ordinances, Section 150.03 concerning the definitions applicable to the City's planning and zoning code, Section 150.06 concerning uses allowed in the Residence and R-1 Districts, and Section 150.07 concerning uses allowed in the Business Districts currently read as follows in the attached Exhibit "A," which is incorporated herein.

WHEREAS, Cheviot Code of Ordinances, Sections 150.03, 150.06, and 150.07 shall be amended to conform to the prohibition of the cultivation, processing, and retail sale of medical marijuana in any form 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 definitions:

MARIJUANA. "Marijuana" shall have the same meaning as marijuana as defined in Section 3719.01 of the Ohio Revised Code.

MEDICAL MARIJUANA. "Medical marijuana" shall mean marijuana that is cultivated, processed, tested, possessed, or used for a medical purposes.

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 150.06, Residence and R-1 Districts, Subsections (G), (J), and (K)(3), of the Cheviot Code of Ordinances are hereby amended as follows:

(G). Hospitals, nursing homes, dispensaries, sanitariums, physicians' offices, clinics, and treatment rooms, and other welfare or charitable institutions (other than penal or correctional institutions, and those primarily for the care and treatment of epileptics or drug addicts, or alcoholics or the insane); provided no part of any such building is located within 50 feet of any adjoining lot in the residence district not used for a similar purpose. However, "dispensaries" as used in this subsection shall not include dispensaries for medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796.

(J) Greenhouses, nurseries, truck gardens, and farms, including the usual farm uses and buildings; provided no part of any greenhouse heating plant or any building in which farm animals are kept is located within 100 feet of the adjoining lot in the residence district not used for a similar purpose, and provided that greenhouses, nurseries, truck gardens, and farms may not cultivate or process medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796.

(K)(3) Home occupations, when conducted and entered from within the dwelling, and in which no persons not residents of the premises are employed; provided that not more than 1/3 of the floor area of one story is devoted to such use, and that no display of goods or commodities pertaining to such use is visible from the street. In connection with such occupation, no goods or commodities shall be sold on the premises, and no mechanical equipment used except such as is customarily employed for domestic or household purposes. Home occupations within the City limits may not engage in the commerce of medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796.

Section 4. Section 150.06, Residence and R-1 Districts is hereby amended to add the Subsection (Q) as set forth below:

(Q) No property or building shall be used in the Residence and R-1 Districts for the cultivation, processing, or sale of medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796.

Section 5. The full text of amended Section 150.06, Residence and R-1 Districts is attached hereto in Exhibit "B," and is incorporated by reference.

Section 6. Section 150.07, Business District, Subsection (B), of the Cheviot Code of Ordinances shall be amended to add the following subsection and update the number:

(B) In the Business "B" District, any use is permitted except the following:

(82) The use of a property or building for the cultivation, processing, or sale of medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796, is prohibited in Business A, B, and B-1 Districts.

(83) All above uses shall apply except those incidental to a permitted use by the Board of Zoning Appeals.

Section 7. The full text of amended Section 150.07, Business District is attached hereto in Exhibit "B," and is incorporated by reference.

Section 7. Existing Sections 150.03, 150.06, and 150.07, 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 9. This Ordinance shall be in effect at the earliest time allowed by law.

Mark G. Waters
President of Council

Date passed

Samuel D. Keller
Mayor

Date approved

Attest:

Approved as to form:

Jenny M. Eilermann
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) _____, 2019, and
- 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.

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)

150.06 RESIDENCE AND R-1 DISTRICTS.

In the Residence and R-1 Districts, the following uses only are permitted:

(A) In the Residence Districts, single-family and two-family dwellings, as well as the other uses permitted by this section.

(B) In the R-1 Districts, single-family dwellings, as well as the other uses permitted hereinafter in this section. However, lots in the R-1 Districts shall have a minimum width of 50 feet at the building line.

(C) Churches and other places of worship, Sunday school buildings, and parish houses.

(D) Schools, educational institutions, colleges, including dormitories, public libraries, public museums, and public art galleries.

(E) Municipal buildings or properties, except for any use that is customarily conducted as a gainful business.

(F) Parks, recreational and community center buildings, and grounds for games or sports, except those where the chief activity is carried on or is one customarily carried on primarily for gain.

(G) Hospitals, nursing homes, dispensaries, sanitariums, physicians' offices, clinics, and treatment rooms, and other welfare or charitable institutions (other than penal or correctional institutions, and those primarily for the care and treatment of epileptics or drug addicts, or alcoholics or the insane); provided no part of any such building is located within 50 feet of any adjoining lot in the residence district not used for a similar purpose.

(H) Cemeteries adjacent to or in extension of cemeteries existing on the effective date of this chapter.

(I) Telephone exchanges and static transformer stations, provided there is no yard or garage for service or storage.

(J) Greenhouses, nurseries, truck gardens, and farms, including the usual farm uses and buildings; provided no part of any greenhouse heating plant or any building in which farm animals are kept is located within 100 feet of the adjoining lot in the residence district not used for a similar purpose.

(K) Accessory uses and structures customarily incident to any permitted use and located on the same lot therewith, including private garages, carports, stables, and sheds, provided that such accessory uses shall not include the conduct of any business or industry or any private way, driveway, or walk giving access thereto. Accessory uses shall include:

(1) The leasing of rooms by a resident proprietor, provided the total number of roomers and boarders does not exceed six.

(2) The office of a resident person, provided that not more than 1/3 of the floor area of one story is devoted to such use, and in which not more than one person not a resident of the premises is employed.

(3) Home occupations, when conducted and entered from within the dwelling, and in which no persons not residents of the premises are employed; provided that not more than 1/3 of the floor area of one story is devoted to such use, and that no display of goods or commodities pertaining to such use is visible from the street. In connection with such occupation, no goods or commodities shall be sold on the premises, and no mechanical equipment used except such as is customarily employed for domestic or household purposes.

(4) Garage or parking space for four motor vehicles or trailers on any lot. Such space may be increased provided that the area of the lot shall contain not less than 1200 square feet for each motor vehicle, or trailer stored. Only one commercial motor vehicle, not exceeding 1-1/2 tons capacity, may be stored on any lot; this does not apply to the storage of such vehicles used exclusively for a conforming use. Garage space for not more than two motor vehicles may be rented to persons not occupants of the premises.

(5) The keeping of fowl or small animals not primarily for gain. Any building or enclosure for such fowl and animals shall be located in the rear yard, and shall be at least 20 feet from every adjoining lot in the residence district.

(6) The keeping of horses, cows, and other livestock not primarily for gain, and only within an enclosure which shall be at least 100 feet from every adjoining lot in the residence district.

(7) The sale only of vegetables, fruits, flowers, shrubs, trees, and farm products raised on the premises.

(8) Signs and canopies extending from any building or structure may project within three feet of the curb line, and must have a minimum height of ten feet from the sidewalk grade.

(L) Restricted parking lots, where the area is adjacent to a business district, or is separated therefrom by a street or alley not over 30 feet in width. Such restricted parking lots shall be subject, however, to the following conditions and limitations:

(1) The parking lot shall be for use in connection with uses located in the adjacent business district.

(2) The parking area shall be not less than 7,500 square feet, and shall abut at least 75 feet on the adjoining business district or on the alley or street constituting the boundary.

(3) The lot shall be used solely for the parking of passenger automobiles.

(4) The lot shall not be used for repair work or servicing of any kind.

(5) No charge shall be made for parking.

(6) No signs of any kind shall be erected on the lot.

(7) Such other or further conditions, as the zoning board of appeals may deem desirable, to reduce the adverse effect of a parking lot upon the preservation of the residential character and development of the residence district in which the parking lot is located.

(M) Septic tanks and sewage disposal plants publicly owned and operated.

(N) No outside storage except operable motor vehicles shall be permitted.
(*73Code, §150.06) (Am. Ord. 06-14, passed 10-3-06) [Penalty, see § 150.99](#)

150.07 BUSINESS DISTRICT.

(A) In the Business "A" District, any use is permitted except the following:

(1) Uses hereinafter prohibited in the Business "B" District.

(2) Bakeries.

(3) Billboard signs.

(4) Bottling works, brewing or distilling of liquors.

(5) Carting, express, hauling, or storage yards.

(6) Crematory, except in a cemetery.

(7) Livery stables and riding academies.

(8) Road houses, dance halls, and commercial summer gardens.

(9) Stone or monument works.

(10) Storage, baling, or treatment of junk, iron, rags, bottles, or scrap paper.

(11) Storage warehouses.

(12) Wholesale warehouses.

(13) Any fabrication, manufacturing, treatment, converting, altering, finishing, or assembling uses, except for products retailed primarily from the premises.

(14) Outside storage, except operable motor vehicles in use.

(15) No gasoline filling, oil, or greasing service station shall be erected or located within 175 yards of any property used as a church, hospital, or school.

(a) No such station shall be erected upon any lot, the dimension of which is less than 150 feet front by 150 feet depth at right angles.

(b) No buildings other than the gasoline station buildings shall be erected or permitted to remain on the premises.

(B) In the Business "B" District, any use is permitted except the following:

(1) Abattoirs, slaughter houses, and stock yards (except for poultry incidental to a retail store).

(2) Acetylene gas manufacture in excess of 15 pounds pressure per square inch.

(3) Ammonia manufacture.

(4) Animal hospitals and structures where small animals are boarded, if within 200 feet of the residence district.

(5) Asbestos manufacture.

(6) Asphalt manufacture or refining.

(7) Babbitt metal manufacture.

(8) Bag cleaning.

(9) Bleaching powder or chlorine manufacture.

(10) Boiler shops, structural steel fabricating shops, steel car or locomotive shops, railway repair shops, machine shops, or metal working shops operating reciprocating hammers or chisels or other noise-producing machine-operated tools.

(11) Brewing and distilling of liquors except for micro-breweries. For purposes of this section, a **MICRO-BREWERY** shall be defined to mean a small scale facility for the brewing of beer for sale and consumption on the premises and for sale for consumption off of the premises. Production shall not exceed 10,000 barrels of beer annually. A micro-brewery may include a restaurant or bar to facilitate tasting and retail sales. Nothing in this section shall exempt a micro-brewery from compliance with any provision of R.C. Title 43 or with the corresponding state regulations.

(12) Brick, tile, or terra cotta manufacture.

(13) Bronze powder manufacture.

(14) Carbon, lampblack, or graphite manufacture.

(15) Celluloid or pyroxylin manufacture; explosive or flammable cellulose, or pyroxylin products manufacture.

(16) Cement, lime, gypsum, or plaster of paris manufacture, or the manufacture of products therefrom.

(17) Coal tar manufacture, tar distillation, or mineral dye manufacture.

(18) Coal yards, except where the coal is stored in dustproof containers and the dust controlled by means of effective devices.

(19) Coke ovens and distillation of coal.

(20) Cooperage works.

(21) Corrosion of aluminum, copper, iron, tin, lead, or zinc.

(22) Creosote manufacture or treatment.

(23) Disinfectant or insecticide manufacture, preparation or compounding on a commercial scale.

(24) Electroplating.

(25) Emery cloth or sandpaper manufacture.

- (26) Enameling, japanning, or lacquering, except incidental to a permitted use.
- (27) Excelsior and fibre manufacture.
- (28) Explosive, or fireworks manufacture, or the storage or loading of explosives in bulk.
- (29) Fat rendering, tallow, grease, or lard refining, or manufacture of candles from fats.
- (30) Felt manufacture, except where dust is controlled by means of effective devices.
- (31) Fertilizer manufacture from organic material or bone distillation, or compounding on a commercial scale.
- (32) Flour milling.
- (33) Foundries, forge shops, or cupolas.
- (34) Gas manufacture of more than 5,000 cubic feet per day.
- (35) Gasoline or oil storage above the ground in quantities exceeding 50 gallons.
- (36) Glucose manufacture.
- (37) Glue or size manufacture or processes involving recovery from fish or animal offal, or fish smoking or curing.
- (38) Ice plant or storage houses of more than 5 tons daily capacity.
- (39) Incineration, reduction or dumping of offal, dead animals, garbage, or refuse on a commercial basis, including loading and transfer platforms.
- (40) Linoleum manufacture.
- (41) Match manufacture.
- (42) Nitrating processes.
- (43) Oilcloth, oiled clothing manufacture, or the impregnation of any fabric by oxidizing oils.
- (44) Paint, oil, shellac, size, varnish, enamel manufacture, or the grinding of colors by machinery.
- (45) Penal or correctional institutions, or institutions for the care or treatment of epileptics or drug or drink addicts or the insane, except where located at least 250 feet from the residence district.
- (46) Petroleum refining.
- (47) Poison manufacture, except for pharmaceutical or medical purposes.
- (48) Potash refining.
- (49) Printing ink manufacture.
- (50) Pulp and paper manufacture.
- (51) Radium or any radioactive material extraction.
- (52) Raw or green salted hides or skins, their curing, dressing, or tanning.
- (53) Rock crushing.
- (54) Rolling or blooming mills.
- (55) Rubber, caoutchouc, or gutta percha manufacture from crude or scrap material, or the manufacture of articles therefrom or from balata, except incidental to tire repairing.
- (56) Salt works.
- (57) Sand blasting or cutting, except where the dust is controlled by effective devices.
- (58) Sewage disposal plants, except those operated by the city.
- (59) Smelting or reduction of ores or metallurgical products.
- (60) Soap, soda ash, caustic soda, or washing compound manufacture.
- (61) Starch or dextrine manufacture.
- (62) Stock yards.

(63) Stone or monument works, where the aggregate horsepower for driving mechanical equipment for such use exceeds ten horsepower.

(64) Storage, baling, or treatment of junk, rags, bottles, or scrap paper, except within a building, and where no power-driven devices are employed.

(65) Sulphurous, sulfuric, nitric, picric, hydrochloric, or other corrosive acid manufacture, their use or storage in quantities exceeding five gallons.

(66) Sugar refining.

(67) Tar or asphalt roofing or waterproofing manufacture.

(68) Turpentine manufacture.

(69) Vinegar manufacture.

(70) Welding, except incidental to a permitted use.

(71) Wire or rod drawing; nut, screw, or bolt manufacture.

(72) Wood distillation.

(73) Wool pulling, scouring, or shoddy manufacture.

(74) Yeast manufacture.

(75) Any other fabricating, manufacturing treatment, converting, altering, finishing, or assembling uses, where more than 25% of the total actual floor area of the building is occupied by mechanical equipment, and where the aggregate floor area occupied by the mechanical equipment exceeds the gross area of the entire ground story.

(76) Public garages having any opening in the side or rear walls or roof within 50 feet of the residence district, not equipped with fixed wire glass sashes in incombustible frames.

(77) Gasoline filling, oil, and greasing stations having any oil-draining pit or exposed appliance located within 12 feet of any street line, or within 50 feet of the residence district, except where such appliance or pit is within a building and at least 12 feet from every vehicular entrance or exit to the premises.

(78) Stables, storing or handling manure or bedding within 25 feet of any street line, or within 100 feet of any adjoining lot in the residence district.

(79) Any use which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, water-carried waste, noise, or vibration, except that such uses may be permitted by action of the board as provided in § [150.10](#) (E).

(80) Outside storage, except operable motor vehicles in use.

(81) No gasoline, filling, oil, or greasing service station shall be erected or located within 175 yards of any property used as a church, hospital, or school.

(a) No such station shall be erected upon any lot, the dimension of which is less than 150 feet front by 150 feet depth at right angles.

(b) No buildings other than gasoline station buildings shall be erected or permitted to remain on the premises.

(82) All above uses shall apply except those incidental to a permitted use by the Board of Zoning Appeals.

(C) In the Business B-1 District, the same uses shall be permitted as in the Business B District. However, a ten-foot front yard setback shall also be required.

(*73 Code, § 150.07) (Ord. 97-25, passed 9-3-97; Am. Ord. 06-14, passed 10-3-06; Am. Ord. 14-3, passed 2-18-14) 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.

MARIJUANA. "Marijuana" shall have the same meaning as marijuana as defined in Section 3719.01 of the Ohio Revised Code.

MEDICAL MARIJUANA. "Medical marijuana" shall mean marijuana that is cultivated, processed, tested, possessed, or used for a medical purposes.

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)

150.06 RESIDENCE AND R-1 DISTRICTS.

In the Residence and R-1 Districts, the following uses only are permitted:

(A) In the Residence Districts, single-family and two-family dwellings, as well as the other uses permitted by this section.

(B) In the R-1 Districts, single-family dwellings, as well as the other uses permitted hereinafter in this section. However, lots in the R-1 Districts shall have a minimum width of 50 feet at the building line.

(C) Churches and other places of worship, Sunday school buildings, and parish houses.

(D) Schools, educational institutions, colleges, including dormitories, public libraries, public museums, and public art galleries.

(E) Municipal buildings or properties, except for any use that is customarily conducted as a gainful business.

(F) Parks, recreational and community center buildings, and grounds for games or sports, except those where the chief activity is carried on or is one customarily carried on primarily for gain.

(G) Hospitals, nursing homes, dispensaries, sanitariums, physicians' offices, clinics, and treatment rooms, and other welfare or charitable institutions (other than penal or correctional institutions, and those primarily for the care and treatment of epileptics or drug addicts, or alcoholics or the insane); provided no part of any such building is located within 50 feet of any adjoining lot in the residence district not used for a similar purpose. However, "dispensaries" as used in this subsection shall not include dispensaries for medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796.

(H) Cemeteries adjacent to or in extension of cemeteries existing on the effective date of this chapter.

(I) Telephone exchanges and static transformer stations, provided there is no yard or garage for service or storage.

(J) Greenhouses, nurseries, truck gardens, and farms, including the usual farm uses and buildings; provided no part of any greenhouse heating plant or any building in which farm animals are kept is located within 100 feet of the adjoining lot in the residence district not used for a similar purpose, and provided that greenhouses, nurseries, truck gardens, and farms may not cultivate or process medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796.

(K) Accessory uses and structures customarily incident to any permitted use and located on the same lot therewith, including private garages, carports, stables, and sheds, provided that such accessory uses shall not include the conduct of any business or industry or any private way, driveway, or walk giving access thereto. Accessory uses shall include:

(1) The leasing of rooms by a resident proprietor, provided the total number of roomers and boarders does not exceed six.

(2) The office of a resident person, provided that not more than 1/3 of the floor area of one story is devoted to such use, and in which not more than one person not a resident of the premises is employed.

(3) Home occupations, when conducted and entered from within the dwelling, and in which no persons not residents of the premises are employed; provided that not more than 1/3 of the floor area of one story is devoted to such use, and that no display of goods or commodities pertaining to such use is visible from the street. In connection with such occupation, no goods or commodities shall be sold on the premises, and no mechanical equipment used except such as is customarily employed for domestic or household purposes. Home occupations within the City limits may not engage in the commerce of medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796.

(4) Garage or parking space for four motor vehicles or trailers on any lot. Such space may be increased provided that the area of the lot shall contain not less than 1200 square feet for each motor vehicle, or trailer stored. Only one commercial motor vehicle, not exceeding 1-1/2 tons capacity, may be stored on any lot; this does not apply to the storage of such vehicles used exclusively for a conforming use. Garage space for not more than two motor vehicles may be rented to persons not occupants of the premises.

(5) The keeping of fowl or small animals not primarily for gain. Any building or enclosure for such fowl and animals shall be located in the rear yard, and shall be at least 20 feet from every adjoining lot in the residence district.

(6) The keeping of horses, cows, and other livestock not primarily for gain, and only within an enclosure which shall be at least 100 feet from every adjoining lot in the residence district.

(7) The sale only of vegetables, fruits, flowers, shrubs, trees, and farm products raised on the premises.

(8) Signs and canopies extending from any building or structure may project within three feet of the curb line, and must have a minimum height of ten feet from the sidewalk grade.

(L) Restricted parking lots, where the area is adjacent to a business district, or is separated therefrom by a street or alley not over 30 feet in width. Such restricted parking lots shall be subject, however, to the following conditions and limitations:

(1) The parking lot shall be for use in connection with uses located in the adjacent business district.

(2) The parking area shall be not less than 7,500 square feet, and shall abut at least 75 feet on the adjoining business district or on the alley or street constituting the boundary.

(3) The lot shall be used solely for the parking of passenger automobiles.

(4) The lot shall not be used for repair work or servicing of any kind.

(5) No charge shall be made for parking.

(6) No signs of any kind shall be erected on the lot.

(7) Such other or further conditions, as the zoning board of appeals may deem desirable, to reduce the adverse effect of a parking lot upon the preservation of the residential character and development of the residence district in which the parking lot is located.

(M) Septic tanks and sewage disposal plants publicly owned and operated.

(N) No outside storage except operable motor vehicles shall be permitted.

(Q) No property or building shall be used in the Residence and R-1 Districts for the cultivation, processing, or sale of medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796.

('73Code, §150.06) (Am. Ord. 06-14, passed 10-3-06) [Penalty, see § 150.99](#)

150.07 BUSINESS DISTRICT.

(A) In the Business "A" District, any use is permitted except the following:

(1) Uses hereinafter prohibited in the Business "B" District.

(2) Bakeries.

(3) Billboard signs.

(4) Bottling works, brewing or distilling of liquors.

(5) Carting, express, hauling, or storage yards.

(6) Crematory, except in a cemetery.

(7) Livery stables and riding academies.

(8) Road houses, dance halls, and commercial summer gardens.

- (9) Stone or monument works.
 - (10) Storage, baling, or treatment of junk, iron, rags, bottles, or scrap paper.
 - (11) Storage warehouses.
 - (12) Wholesale warehouses.
 - (13) Any fabrication, manufacturing, treatment, converting, altering, finishing, or assembling uses, except for products retailed primarily from the premises.
 - (14) Outside storage, except operable motor vehicles in use.
 - (15) No gasoline filling, oil, or greasing service station shall be erected or located within 175 yards of any property used as a church, hospital, or school.
 - (a) No such station shall be erected upon any lot, the dimension of which is less than 150 feet front by 150 feet depth at right angles.
 - (b) No buildings other than the gasoline station buildings shall be erected or permitted to remain on the premises.
- (B) In the Business "B" District, any use is permitted except the following:
- (1) Abattoirs, slaughter houses, and stock yards (except for poultry incidental to a retail store).
 - (2) Acetylene gas manufacture in excess of 15 pounds pressure per square inch.
 - (3) Ammonia manufacture.
 - (4) Animal hospitals and structures where small animals are boarded, if within 200 feet of the residence district.
 - (5) Asbestos manufacture.
 - (6) Asphalt manufacture or refining.
 - (7) Babbitt metal manufacture.
 - (8) Bag cleaning.
 - (9) Bleaching powder or chlorine manufacture.
 - (10) Boiler shops, structural steel fabricating shops, steel car or locomotive shops, railway repair shops, machine shops, or metal working shops operating reciprocating hammers or chisels or other noise-producing machine-operated tools.
 - (11) Brewing and distilling of liquors except for micro-breweries. For purposes of this section, a **MICRO-BREWERY** shall be defined to mean a small scale facility for the brewing of beer for sale and consumption on the premises and for sale for consumption off of the premises. Production shall not exceed 10,000 barrels of beer annually. A micro-brewery may include a restaurant or bar to facilitate tasting and retail sales. Nothing in this section shall exempt a micro-brewery from compliance with any provision of R.C. Title 43 or with the corresponding state regulations.
 - (12) Brick, tile, or terra cotta manufacture.
 - (13) Bronze powder manufacture.
 - (14) Carbon, lampblack, or graphite manufacture.
 - (15) Celluloid or pyroxylin manufacture; explosive or flammable cellulose, or pyroxylin products manufacture.
 - (16) Cement, lime, gypsum, or plaster of paris manufacture, or the manufacture of products therefrom.
 - (17) Coal tar manufacture, tar distillation, or mineral dye manufacture.
 - (18) Coal yards, except where the coal is stored in dustproof containers and the dust controlled by means of effective devices.
 - (19) Coke ovens and distillation of coal.

- (20) Cooperage works.
- (21) Corrosion of aluminum, copper, iron, tin, lead, or zinc.
- (22) Creosote manufacture or treatment.
- (23) Disinfectant or insecticide manufacture, preparation or compounding on a commercial scale.
- (24) Electroplating.
- (25) Emery cloth or sandpaper manufacture.
- (26) Enameling, japanning, or lacquering, except incidental to a permitted use.
- (27) Excelsior and fibre manufacture.
- (28) Explosive, or fireworks manufacture, or the storage or loading of explosives in bulk.
- (29) Fat rendering, tallow, grease, or lard refining, or manufacture of candles from fats.
- (30) Felt manufacture, except where dust is controlled by means of effective devices.
- (31) Fertilizer manufacture from organic material or bone distillation, or compounding on a commercial scale.
- (32) Flour milling.
- (33) Foundries, forge shops, or cupolas.
- (34) Gas manufacture of more than 5,000 cubic feet per day.
- (35) Gasoline or oil storage above the ground in quantities exceeding 50 gallons.
- (36) Glucose manufacture.
- (37) Glue or size manufacture or processes involving recovery from fish or animal offal, or fish smoking or curing.
- (38) Ice plant or storage houses of more than 5 tons daily capacity.
- (39) Incineration, reduction or dumping of offal, dead animals, garbage, or refuse on a commercial basis, including loading and transfer platforms.
- (40) Linoleum manufacture.
- (41) Match manufacture.
- (42) Nitrating processes.
- (43) Oilcloth, oiled clothing manufacture, or the impregnation of any fabric by oxidizing oils.
- (44) Paint, oil, shellac, size, varnish, enamel manufacture, or the grinding of colors by machinery.
- (45) Penal or correctional institutions, or institutions for the care or treatment of epileptics or drug or drink addicts or the insane, except where located at least 250 feet from the residence district.
- (46) Petroleum refining.
- (47) Poison manufacture, except for pharmaceutical or medical purposes.
- (48) Potash refining.
- (49) Printing ink manufacture.
- (50) Pulp and paper manufacture.
- (51) Radium or any radioactive material extraction.
- (52) Raw or green salted hides or skins, their curing, dressing, or tanning.
- (53) Rock crushing.
- (54) Rolling or blooming mills.
- (55) Rubber, caoutchouc, or gutta percha manufacture from crude or scrap material, or the manufacture of articles therefrom or from balata, except incidental to tire repairing.
- (56) Salt works.

- (57) Sand blasting or cutting, except where the dust is controlled by effective devices.
- (58) Sewage disposal plants, except those operated by the city.
- (59) Smelting or reduction of ores or metallurgical products.
- (60) Soap, soda ash, caustic soda, or washing compound manufacture.
- (61) Starch or dextrine manufacture.
- (62) Stock yards.
- (63) Stone or monument works, where the aggregate horsepower for driving mechanical equipment for such use exceeds ten horsepower.
- (64) Storage, baling, or treatment of junk, rags, bottles, or scrap paper, except within a building, and where no power-driven devices are employed.
- (65) Sulphurous, sulfuric, nitric, picric, hydrochloric, or other corrosive acid manufacture, their use or storage in quantities exceeding five gallons.
- (66) Sugar refining.
- (67) Tar or asphalt roofing or waterproofing manufacture.
- (68) Turpentine manufacture.
- (69) Vinegar manufacture.
- (70) Welding, except incidental to a permitted use.
- (71) Wire or rod drawing; nut, screw, or bolt manufacture.
- (72) Wood distillation.
- (73) Wool pulling, scouring, or shoddy manufacture.
- (74) Yeast manufacture.
- (75) Any other fabricating, manufacturing treatment, converting, altering, finishing, or assembling uses, where more than 25% of the total actual floor area of the building is occupied by mechanical equipment, and where the aggregate floor area occupied by the mechanical equipment exceeds the gross area of the entire ground story.
- (76) Public garages having any opening in the side or rear walls or roof within 50 feet of the residence district, not equipped with fixed wire glass sashes in incombustible frames.
- (77) Gasoline filling, oil, and greasing stations having any oil-draining pit or exposed appliance located within 12 feet of any street line, or within 50 feet of the residence district, except where such appliance or pit is within a building and at least 12 feet from every vehicular entrance or exit to the premises.
- (78) Stables, storing or handling manure or bedding within 25 feet of any street line, or within 100 feet of any adjoining lot in the residence district.
- (79) Any use which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, water-carried waste, noise, or vibration, except that such uses may be permitted by action of the board as provided in § [150.10](#) (E).
- (80) Outside storage, except operable motor vehicles in use.
- (81) No gasoline, filling, oil, or greasing service station shall be erected or located within 175 yards of any property used as a church, hospital, or school.
 - (a) No such station shall be erected upon any lot, the dimension of which is less than 150 feet front by 150 feet depth at right angles.
 - (b) No buildings other than gasoline station buildings shall be erected or permitted to remain on the premises.
- (82) The use of a property or building for the cultivation, processing, or sale of medical marijuana, as defined in this Chapter and Ohio Revised Code Chapter 3796, is prohibited in Business A, B, and B-1 Districts.

(83) All above uses shall apply except those incidental to a permitted use by the Board of Zoning Appeals.)

(C) In the Business B-1 District, the same uses shall be permitted as in the Business B District. However, a ten-foot front yard setback shall also be required.

('73 Code, § 150.07) (Ord. 97-25, passed 9-3-97; Am. Ord. 06-14, passed 10-3-06; Am. Ord. 14-3, passed 2-18-14) Penalty, see § [150.99](#)