

CHAPTER 1101 Interpretation and Purposes

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1101.01 TITLE.

This Zoning Code shall be known and may be cited as the "Zoning Code of the City of Sidney", except as referred to herein, where it shall be known as "this Zoning Code".

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

1101.02 PURPOSES.

This Zoning Code is enacted for the general purpose of promoting the public health, safety, comfort and welfare of the residents of the City of Sidney; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads and highways; to provide for the administration and enforcement of this Zoning Code, including the provision of penalties for its violation; and for any other purpose provided in this Zoning Code or the Ohio Revised Code, or under common law rulings.

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

1101.03 INTERPRETATION AND APPLICATION; CONFLICTS OF LAWS.

In their interpretation and application, the provisions of this Zoning Code shall be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare. It is not intended by this Zoning Code to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously adopted or issued pursuant to law, relating to the use of buildings and land. However, where this Zoning Code imposes a greater restriction on the use of buildings or premises, or on the heights of buildings, or requires larger yards, courts or other open spaces, than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, the provisions of this Zoning Code shall prevail and control.

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

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CHAPTER 1103

Definitions

1103.01 DEFINITIONS GENERALLY.

Certain words and phrases used in this Zoning Code are defined for the purpose thereof as follows. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "lot" includes the word "plot". The word "occupied" includes the word "designed or intended to be occupied". The word "used" includes the words "arranged", "designed" or "intended to be used". The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement. (Ord. A-2248. Passed 4-9-01.)

1103.02 ACCESSORY STRUCTURE AND USE.

"Accessory structure and use" means a structure or use subordinate to another structure or use located on the same lot and serving a purpose customarily incidental to such other structure or use.

1103.03 ALLEY.

"Alley" means a public right-of-way less than twenty-one feet in width between property lines, which provides only secondary means of vehicular access to abutting property.

1103.04 AIRPORT.

"Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

1103.041 ANTIQUE SHOP.

"Antique Shop" means a building or structure used for the sale of antique furniture, furnishings, or similar items. (Ord. A-2419. Passed 1-24-05.)

1103.05 BASEMENT.

"Basement" means a story the floor of which is more than twelve inches but not more than one-half its clear height below the average level of the adjoining ground. A basement, when used as a dwelling, shall be counted as a half-story for purposes of height measurement and for purposes of minimum side yard determination.

1103.06 BEGINNING OF CONSTRUCTION.

"Beginning of construction" means the utilization of labor, equipment and materials for the purpose of erecting or altering a structure.

1103.07 BLOCK.

"Block" means a parcel of land bounded on all sides by a street or streets, railways or water routes.

1103.08 BLOCK FRONTAGE.

"Block frontage" means property having frontage on one side of a street and lying between the two nearest intersecting, intercepting or intercepting extended streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.

1103.09 BOARD.

"Board" means the Board of Appeals.

1103.10 BOARDING HOUSE.

"Boarding house" means the lodging part of a building or part thereof where lodging and/or meals are provided for compensation for three or more persons who are not transients.

1103.101 BOOKSTORE.

"Bookstore" means a retail establishment which, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, and/or any other printed or electronically conveyed information or media, excluding any "adult establishment," "adult bookstore," "adult theater," "theater," or "studio theater.

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

1103.11 BUILDING.

"Building" means a structure having a continuous roof span, including the walls or columns enclosing or supporting the roof area. The enclosed or supporting walls are generally of a uniform architectural style but may contain interior separation walls.

1103.12 BUILDING, FRONT LINE OF.

"Front line of a building" means the line of that face of the building nearest the front lot line.

1103.13 BUILDING, HEIGHT OF.

"Height of a building" means the mean vertical distance from the established grade in front of the lot, or from the average natural grade at the building line, if higher, to the highest point in the coping of flat roofs, 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.

1103.14 BUILDING LINE AND BUILDING SETBACK LINE.

"Building line" and "building setback line" mean the line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the right-of-way.

1103.15 BUILDING PERMIT.

"Building permit" means a building permit approved by the City Manager or his or her designee stating that a proposed improvement complies with the provisions of this Zoning Code.

1103.16 BUILDING, PRINCIPAL.

"Principal building" means a building in which is conducted the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

1103.161 BUS DEPOT.

"Bus Depot" means an establishment engaged in furnishing mass passenger transportation over regular routes and on regular schedules. Also included in this definition are parking lots provided for the use of passengers or employees of the transit provider.

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

1103.17 BUSINESS.

"Business" means engaging in (1) the purchase, sale, barter or exchange of goods, wares, merchandise or services, (2) the maintenance or operation of offices, or (3) a recreational and amusement enterprise for profit.

1103.18 CAMP, PUBLIC.

"Public camp" means any lot designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits.

1103.181 CATERING

"Catering" means a business establishments engaged in providing food services for off-premises consumption with equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premises site.

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

1103.19 CELLAR.

"Cellar" means a story the floor of which is more than one-half its clear height below the average level of the adjoining ground. A cellar when used as a dwelling shall be counted as a story for the purposes of height measurement.

1103.20 CEMETERY.

"Cemetery" means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

1103.21 CERTIFICATE OF OCCUPANCY.

"Certificate of occupancy" means a certificate approved by the City Manager stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Zoning Code.

1103.22 CITY.

"City" means the City of Sidney, Ohio.

1103.23 CLUB.

"Club" means buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit.

1103.24 COMMERCIAL.

See "Business."

1103.25 COMMISSION.

"Commission" means the City of Sidney Planning Commission.

1103.251 COMMERCIAL LAUNDRY OR DRY CLEANING ESTABLISHMENT.

“Commercial Laundry or Dry Cleaning Establishment” means an establishment engaged in actual laundering, dry cleaning, or dyeing services, other than those uses classified as consumer service, large or small. Typical uses include laundries, diaper services, linen supply services, and dry cleaners.

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

1103.252 INDOOR COMMERCIAL RECREATION FACILITY.

“Indoor commercial recreation facility” means an enterprise conducted within a building which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, dance studios, climbing facilities, indoor driving ranges, batting cages, basketball courts, soccer fields, and similar activities and facilities. Such facilities may provide ancillary accessory uses, such as pro shops or snack bars.

(Ord. A-2515. Passed 5-29-07.)

1103.26 COMPREHENSIVE PLAN.

"Comprehensive Plan" means the 2003 Comprehensive Plan of the City of Sidney and any update or amendment thereto.

1103.27 CONDITIONAL USE.

"Conditional use" means a use that is permitted, but only by application to the Board in each specific instance, and after determination by the Board that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the Board may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, morals, convenience, order, prosperity and general welfare.

1103.271 CORRECTIONAL FACILITY.

“Correctional Facility” means a secured facility under the supervision of the judiciary, correctional departments of any local, state or federal governments, or any law enforcement agency in which persons are or may be lawfully held in custody after arrest or as a result of conviction of a crime.

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

1103.28 COUNCIL.

"Council" means the City Council of Sidney, Ohio, and may also be referred to as City Council.

1103.29 COUNTY.

"County" means Shelby County, Ohio.

1103.30 CULTURAL FACILITY, PUBLIC.

"Public cultural facility" means a building, open to the public, that is devoted to the cultural arts. This includes, but is not limited to, art galleries, museums, libraries and cultural exchange centers.

1103.31 DAY CARE CENTER, COMMERCIAL.

"Commercial day care center" means a school child day care center, child day care center, child day camp, or other non-residential child day care facility regulated by Chapter 5104 of the Ohio Revised Code.

1103.32 DEPARTMENT STORE.

"Department store" means a retail establishment offering three or more major categories of merchandise arranged in several departments.

1103.33 DISTRICT.

"District" means a section of the City for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

1103.34 DISTRICT, BASE.

"Base district" means the N-1, S-1, R-1, R-2, R-3, O-1, B-1, B-2, I-1, or I-2 district, as established by Chapter 1105 of the Zoning Code.

1103.35 DISTRICT, OVERLAY.

"Overlay district" means a district established by Chapter 1105 of the Zoning Code that is superimposed on one or more parts of a base district or districts, and that imposes additional or different requirements than those otherwise applicable for the base district.

1103.36 DWELLING.

"Dwelling" means a building, or portion thereof, used primarily as a place of abode for one or more human beings, but does not include hotels, motels, motor hotels, boarding or lodging houses, tents or, except when located in an authorized mobile home park, mobile homes.

1103.37 DWELLING, MULTI-FAMILY.

"Multi-family dwelling" means a building designed for or occupied by three or more families.

1103.38 DWELLING, SINGLE-FAMILY.

"Single-family dwelling" means a detached building designed for or occupied by one family exclusively.

1103.39 DWELLING, TWO-FAMILY.

"Two-family dwelling" means a detached building designed for or occupied by two families.

1103.40 DWELLING UNIT.

"Dwelling unit" means a dwelling or a portion of a dwelling used for one family for cooking, living and sleeping purposes.

1103.41 EDUCATIONAL INSTITUTION.

"Educational institution" means public or parochial pre-primary, primary, grade, high or preparatory school or academy, junior college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

1103.42 EMERGENCY SHELTER.

"Emergency shelter" means a facility providing temporary emergency housing for one or more individuals who are otherwise homeless due to an urgent event such as a fire, natural disaster, incident of domestic violence or eviction, for a period not to exceed fourteen days.

1103.43 ESSENTIAL SERVICES.

"Essential services" means the erection, construction, alteration or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam or water transmission, distribution, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, emergency telephones, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith necessary for the furnishing of adequate service by such public utilities, municipal departments, commissions or common carriers for the public health, safety and general welfare, but does not include buildings or outdoor storage yards.

1103.44 FAMILY.

"Family" means:

- (a) One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or
- (b) A group of not more than four persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or
- (c) Two unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

1103.45 FINANCIAL INSTITUTION.

"Financial institution" means banks, including savings and loan associations, credit unions, loan and cash advance offices, drive-up tellers and automated teller machines.

1103.451 FINISHING, CUSTOM: FURNITURE AND FIXTURES

“Finishing, custom: furniture and fixtures” means painting, staining, sealing, or upholstering of furniture or fixtures normally found in or on a building, but does not include such activities for machinery, equipment, motor vehicles, or other such industrial processes.

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

1103.46 FLOOR AREA, GROUND.

"Ground floor area" means the square foot area of a building or structure within its largest outside dimensions computed on a horizontal plane at the ground floor level exclusive of open porches, breezeways, terraces and garages.

1103.47 FLOOR AREA, NET.

"Net floor area" means the total area, computed on a horizontal plane, used for a particular business category, exclusive of entrances, hallways, stairs and other accessory areas used for ingress and egress.

1103.471 FUNERAL HOME OR MORTUARY.

“Funeral Home or Mortuary” means an establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals.

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

1103.472 FURNITURE STORE.

“Furniture store” means a retail establishment that sells household, office or other furniture, furnishings or equipment.

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

1103.48 GARAGE, PRIVATE.

"Private garage" means an accessory building for storage only of motor vehicles owned or operated by the property owner or individuals residing on the premises. For purposes of this definition only one vehicle stored in a private garage may be a commercial vehicle, and not more than three-ton rated capacity.

1103.49 GARAGE, PUBLIC.

"Public garage" means any building or premises, except those defined herein as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

1103.50 GRADE, ESTABLISHED.

"Established grade" means the elevation of the sidewalk opposite the center of the wall of the building or structure facing such walk. Where no sidewalk has been constructed, the City Manager or his designee shall establish such sidewalk level or its equivalent for the purposes of these regulations.

1103.51 GROUP HOME.

"Group home" means a residential facility that provides on-site supervision and support-based services for individuals convalescing, undergoing rehabilitation or counseling, or cannot otherwise care for themselves, where all medical and health-related services are provided off-site.

1103.511 HELIPORT.

"Heliport" means any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

1103.52 HOME OCCUPATION.

"Home occupation" means:

- (a) An accessory use of a dwelling unit or private garage for gainful employment of an immediate family member occupying such property, involving the manufacture, provision or sale of goods and or services on the premises, provided that such use does not interfere with or change the character of the residential use or neighboring uses.
- (b) Permitted activity may involve the providing of goods or performing services..
- (c) Such use is characterized by the use of fixtures and equipment reasonably found in a residential dwelling.
- (d) Examples of permitted home occupation uses include, but are not limited to financial planning, dressmaking, flower arranging, interior design, tutoring, direct sale product distribution, real estate sales and brokering.

1103.53 HOME OFFICE.

"Home office" means:

- (a) An accessory use of a dwelling unit or private garage for gainful employment of an immediate family member occupying such property, that does not involve the manufacture or sale of goods on the premises.
- (b) Permitted activity is exclusive to performing services, which when completed, are delivered to the customer off the premises.
- (c) Such use is characterized by the use of fixtures and equipment reasonably found in a residential dwelling, and where such use does not generate additional traffic and does not interfere with or change the character of the residential use or neighboring uses.
- (d) Examples of permitted home office uses include, but are not limited to, accounting, telemarketing, computer programming, data processing, graphic design and electronic assembly.

1103.54 HOSPITAL.

"Hospital" means an institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities, such as laboratories, out-patient departments, training facilities, central service facilities and staff offices, which are an integral part of the facility, provided such institution is operated by or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals, such as cardiac, contagious disease, maternity, orthopedic, cancer and similar health care institutions.

1103.55 HOTEL.

"Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

1103.551 HOUSEHOLD PET.

"Household pet" means animal or fowl, except livestock, ordinarily found inside the house, such as dogs, cats, canaries, parakeets, guinea pigs, hamsters, frogs, fish, insects and other species of animals normally sold in pet stores and kept for the company or pleasure of the owner. "Household pets" do not include the keeping of any animals for commercial purposes.

1103.56 JUNK YARD.

"Junk yard" means any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including, but not limited to, used or salvaged base metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property, except animal matter, and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

1103.57 KENNEL.

"Kennel" means any lot or premises on which four or more dogs, at least four months of age, are kept.

1103.571 LIVESTOCK.

"Livestock" means cattle, horses, mules, burros, sheep, swine, llamas and goats, regardless of use, and any animal, except dogs and cats, that are used for working purposes on a farm or ranch, and any animal which is raised for food or fiber production.

1103.572 LANDSCAPING SERVICE AND RETAIL BUSINESS

"Landscaping service and retail business" means the sale, placement and maintenance of plant materials, fences, walls, lighting, and other similar items, including outdoor storage of materials and equipment.

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

1103.58 LOADING AND UNLOADING BERTH.

"Loading and unloading berth" means the off-street area required for receiving or distributing materials or merchandise by vehicles. In this Zoning Code this area is a twelve-foot by forty-five foot loading span with a fourteen-foot height clearance. However, if more than one berth is provided, the minimum dimensions are ten feet by forty-five feet with a fourteen-foot height clearance.

1103.59 LOT.

"Lot" means a parcel, tract or area of land occupied or intended to be occupied by a principal or conditional use and uses accessory thereto together with such open spaces as required by this Zoning Code and accessible by means of a street or place. A lot may be a single parcel separately described in a deed or plat which is recorded in the office of the Recorder of Shelby County, or it

may include parts of or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street or place shall be included.

1103.60 LOT, CORNER.

"Corner lot" means a lot abutting upon two or more streets at their intersection.

1103.61 LOT COVERAGE.

"Lot coverage" means the percentage of the lot area covered by buildings and structures as measured by the ground floor area.

1103.62 LOT, DEPTH OF.

"Depth of lot" means the mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

1103.63 LOT, GROUND LEVEL.

"Ground level of lot" means, for buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

1103.64 LOT, INTERIOR.

"Interior lot" means a lot other than a corner lot or through lot.

1103.65 LOT LINE, FRONT.

"Front lot line" means, in the case of an interior lot, a line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

1103.66 LOT LINE, REAR.

"Rear lot line" means a lot line which is opposite and most distant from the front lot line and, in case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front line.

1103.67 LOT LINE, SIDE.

"Side lot line" means any lot boundary not a front lot line or a rear lot line.

1103.68 LOT, REVERSED INTERIOR.

"Reversed interior lot" means an interior lot, the front line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

1103.69 LOT, THROUGH.

"Through lot" means a lot having frontage on two streets at opposite ends of the lot and may also be known as a double frontage lot.

1103.70 LOT, WIDTH OF.

"Width of lot" means the distance between the side lot lines at the required front yard depth measured at right angles to the depth of the lot.

1103.71 MANUFACTURED HOUSING.

"Manufactured housing" means a factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit, other than delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

1103.711 MEDICAL, DENTAL, AND HEALTH-RELATED SERVICES.

"Medical, Dental, and Health-Related Services" means a facility organized and operated for the primary purpose of providing health services for outpatient treatment and care. This use includes related service facilities operated in conjunction with the clinic.

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

1103.72 MOBILE HOME.

"Mobile home" means a movable dwelling for occupancy on land made of one or more units, and having minimum width of ten feet, minimum area of four hundred square feet, and year-round living facilities for one family, including permanent provision for cooking, eating, sleeping, and sanitation.

1103.73 MOBILE HOME PARK.

"Mobile home park" means a lot which is used or offered as a location for two or more mobile homes, and within which a mobile home may be supported either by its wheels or by a foundation of any sort.

1103.74 MODULAR HOUSING.

"Modular housing" means an assembly of materials or products comprising all or part of a total residential structure that, when constructed, is self-sufficient and contains plumbing, wiring and heating at the point of manufacture, and which, when installed, constitutes a dwelling unit, except for necessary on-site preparations for its placement.

1103.75 MOTEL.

"Motel" means a building or group of detached buildings containing units having bedroom, bathroom and closet space and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

1103.76 MOTOR VEHICLE BODY SHOP.

"Motor vehicle body shop" means a building, lot, or portion of a lot used or intended to be used for the business of collision service, which shall include body, frame, or fender straightening or repair, painting and glass replacement. It also includes the reconditioning of motor vehicles, which shall include repainting, resculpturing, rust repair, steam cleaning, and undercoating.

1103.77 MOTOR VEHICLE REPAIR GARAGE.

"Motor vehicle repair garage" means a building, lot, or portion of a lot used or intended to be used for the business of general motor vehicle repair and service, including engine rebuilding, transmission work, or reconditioning of motor vehicles, but excludes motor vehicle body shops and junk yards.

1103.78 MOTOR VEHICLE FULL SERVICE STATION.

"Motor vehicle full service station" means a building, lot, or portion of a lot used or intended to be used for the retail dispensing of vehicle fuels, and including as an accessory use minor mechanical repair such as brake, exhaust and muffler work, and the dispensing of lubricants, tires, batteries, similar accessories, and convenience food items. The parking or storage of junk vehicles shall not be permitted.

1103.79 MOTOR VEHICLE CUSTOMIZING SHOP.

"Motor vehicle customizing shop" means a building, lot, or portion of a lot used or intended to be used for the customizing of motor vehicles that are in an operable, undamaged condition. The customizing work shall be intended to alter the appearance or enhance the protection or security of a motor vehicle to the particular specifications of the vehicle owner. Examples of automobile customizing include rust-proofing, sunroof and alarm installation, pin-striping and exterior detailing.

1103.80 MOTOR VEHICLE SALES, RENTAL OR LEASE.

"Motor vehicle sales, rental or lease" means a building, lot, or portion of a lot used or intended to be used for the display, sale, rent or lease of new or used motor vehicles in operable condition and where repair service is accessory to the sale, rental or lease.

1103.81 MOTOR VEHICLE WASH FACILITY.

"Motor vehicle wash facility" means a building, lot, or portion of a lot used or intended to be used exclusively for exterior washing and interior cleaning of motor vehicles.

1103.82 MOTOR VEHICLE SELF SERVICE STATION/MINI MARKET.

"Motor vehicle self service station/mini market" means a building, lot, or portion of a lot used or intended to be used for the retail dispensing of vehicular fuels, and may as an accessory use sell convenience food items, commercial products and lubricants, but not including any repair or storage of motor vehicles.

1103.821 MUNICIPAL OR GOVERNMENTAL BUILDING.

“Municipal or Governmental Building” means a facility for administrative activity conducted by a governmental entity. Typical uses include city hall, social security office, or special district headquarters.

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

1103.83 NONCONFORMING USE.

"Nonconforming use" means a building or use of land legally existing at the time of the adoption of this Zoning Code or any amendment thereto, and which does not conform with all of the regulations of the district in which such building or use of land is located.

1103.84 NURSING HOME.

"Nursing home" means a facility licensed by the State Board of Health, which:

- (a) Provides nursing services on a continuing basis;
- (b) Admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services;
- (c) Provides for licensed physicians' services or supervision; and
- (d) Maintains medical records.

Such facilities may also provide other and similar medical or health services. Examples of nursing homes that provide health services may include, if they comply with all the above criteria, convalescent homes, maternity homes, rest homes, hospice and similar facilities.

1103.85 NURSING HOME CONVERSION.

"Nursing home conversion" means a dwelling which is converted for the use of a nursing home and licensed by the State Board of Health.

1103.86 OUTDOOR DISPLAY.

“Outdoor display: means a commercial use of open land, in which retail goods, wares and merchandise permitted for sale on the premises are kept.

1103.87 OUTDOOR STORAGE.

A commercial use of open land, in which raw materials, wholesale goods and equipment used on or off the premises are kept for more than 72 hours.

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

1103.88 PARKING LOT.

"Parking lot" means a parcel of land devoted to unenclosed parking space for five or more motor vehicles.

1103.89 PARKING FACILITY, COMMERCIAL.

"Commercial parking facility" means an open or enclosed facility for temporary off-street parking of five or more motor vehicles, for profit, located on publicly or privately owned property. This use includes conditionally permitted parking lots in the B-2 and B-5 Districts and excludes private garages and private parking areas accessory to a principally permitted residential use.

1103.90 PARKING SPACE.

"Parking space" means a space, other than on a street or alley, designed for use or used for the temporary parking of a motor vehicle, and being not less than nine feet wide and eighteen feet long, exclusive of passageways.

1103.901 PAWN SHOP.

"Pawn Shop" means an establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property.
(Ord. A-2419. Passed 1-24-05.)

1103.91 PERSON.

"Person" means a corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

1103.92 PLACE.

"Place" means an open, unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

1103.93 PLANNED BUSINESS CENTER.

"Planned business center" means a development of land with business uses that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages.

1103.94 PLANNED INDUSTRIAL CENTER.

"Planned industrial center" means a development of land with industrial uses that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages.

1103.941 PLANT NURSERY.

"Plant Nursery" means any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.
(Ord. A-2419. Passed 1-24-05.)

1103.95 PLAT.

"Plat" means a map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

1103.951 POSTAL STATION.

"Postal Station" means a facility that has distribution boxes (cluster boxes) and collection services for the general public, mail carriers, and retail services.
(Ord. A-2419. Passed 1-24-05.)

1103.952 PRINTING AND PHOTOCOPYING BUSINESS.

"Printing and Photocopying Business" means an establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.
(Ord. A-2419. Passed 1-24-05.)

1103.953 PRINTING AND PUBLISHING.

“Printing and Publishing” means the production of books, magazines, newspapers and other printed matter, as well as record pressing and publishing.
(Ord. A-2419. Passed 1-24-05.)

1103.96 PRIVATE BANQUET/RECEPTION FACILITY.

"Private banquet/reception facility" means a building owned and operated by an individual for social or recreational events such as weddings, receptions or banquets, and where the owner and/or operator also maintains an on-site residence.

1103.97 PRIVATE NONCOMMERCIAL RECREATION FACILITY OR DEVELOPMENT.

"Private noncommercial recreation facility or development" means a facility or development that is not owned or operated by a governmental entity, but is owned or operated by a noncommercial interest. This use includes, but is not limited to, facilities and developments such as the YMCA, YWCA, Salvation Army, Boy Scouts, Girl Scouts and Boys Club.

1103.98 PRIVATE SCHOOL.

"Private school" means a private pre-primary, primary, grade, high or preparatory school or academy or day nursery.

1103.99 PROFESSIONAL OFFICE.

"Professional office" means a facility occupied by individuals requiring specialized knowledge and skills attained through completion of a recognized course of instruction, such as, but not limited to, attorneys, physicians, nurses, engineers, architects, planners, librarians, accountants, realtors and various physical, chemical and biological scientists.

1103.991 PUBLIC OR COMMERCIAL LANDFILL.

“Public or Commercial Landfill” means a disposal facility employing an engineered method of disposing of solid waste, including demolition and construction debris.

1103.992 PUBLIC AND PRIVATE LIBRARY.

“Public and Private Library” means a publicly/privately operated facility housing a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.

1103.100 RELIGIOUS INSTITUTION.

“Religious institution” means a permanently located church, cathedral, synagogue, temple, mosque, or other place dedicated to religious worship. As part of its functions it may include the following incidental and subordinate uses subject to applicable Federal, State and local regulations: offices, residences for clergy, religious instruction, educational institutions, private and special schools, day care centers, emergency shelters, and community and recreational activities.

1103.101 RESIDENTIAL PLANNED UNIT DEVELOPMENT.

"Residential planned unit development" means a unique concept of residential development consisting of a large scale project constructed by a single owner or a group of owners acting jointly. The development is planned as an entity and therefore is conducive to development and regulation as a total unit rather than as a mere aggregation of individual buildings on separate unrelated lots. Such development could involve a related group of uses and a more compact arrangement of individual and/or multi-family dwelling units grouped in or around common open space or recreation areas. These developments may also include some limited commercial uses, provided that these uses are functionally integrated into the development and that the character of the development conforms to the purposes and intent of Chapter 1144 and the Comprehensive Plan.

1103.102 RESTAURANT, DRIVE-IN.

"Drive-in restaurant" means an eating establishment where motor vehicles are parked and food that is ordered is delivered to the parked vehicle, either separately or in conjunction with an indoor sit-down dining area. Eating establishments that have drive-up, pick-up or carry-out windows shall not be considered as drive-in restaurants.

1103.103 SATELLITE DISH ANTENNA SYSTEMS.

"Satellite dish antenna systems" means dish-shaped antennas designed to receive microwave transmissions from satellites in Earth's orbit, primarily for television broadcast signals.

1103.104 SELF-SERVICE STORAGE FACILITY.

"Self-service storage facility" means a building consisting of small, individual, self-contained units that are leased or owned for the storage of business and household goods, but not used for warehousing purposes.

1103.105 SITE PLAN.

"Site plan" means a plan, drawn to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land. A site plan shall include a drawing, including a legal or site description, of real estate which shows the location and size of the following, both existing and proposed: all buildings, structures and yards; locations and dimensions of building lines and easements; widths and lengths of all entrances and exits to and from such real estate; and the locations of all adjacent or adjoining streets, service facilities, topography, drainage plan and other improvements, such as planting areas.

1103.106 SPECIAL SCHOOL.

"Special school" means any school which has as its primary purpose the instruction, care and rehabilitation of atypical, challenged or exceptional children or adults such that the usual statutory educational requirements expressly or impliedly do not apply.

1103.107 STORY.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

1103.108 STORY, HALF.

"Half story" means that portion of a building under a sloping, gable, hip or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half story.

1103.109 STREET.

"Street" means a public right-of-way, other than an alley, affording primary access by vehicles or pedestrians, or both, to abutting property.

1103.110 STRUCTURAL ALTERATION.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

1103.111 STRUCTURE.

"Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something permanently located on the ground.

1103.112 SWIMMING POOL, PRIVATE.

"Private swimming pool" means a swimming pool used only by the owner of the pool and invitees as an accessory use at a private residence.

1103.1121 TAVERN OR COCKTAIL LOUNGE.

"Tavern or Cocktail Lounge" means a building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.
(Ord. A-2419. Passed 1-24-05.)

1103.1122 THEATER, INDOOR.

"Theater, Indoor" means an establishment engaged in the provision of cultural, entertainment, and other events to spectators as well as those involving social gatherings. Typical uses include theaters, and multiplex cinemas.
(Ord. A-2419. Passed 1-24-05.)

1103.113 TELEVISION AND RADIO ANTENNA SYSTEMS.

"Television and radio antenna systems" mean antennas designed to transmit and/or receive television and/or radio transmissions.

1103.114 TOURIST HOME.

"Tourist home" means a dwelling in which overnight accommodations for not more than eight transient guests are offered for compensation, and is also known as a bed and breakfast.

1103.115 TRADE OR BUSINESS SCHOOL.

"Trade or business school" means:

- (a) A secretarial or business school or college that is neither publicly owned nor owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or
- (b) A school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing, drafting or industrial or technical arts.

1103.1151 TRUCKING OR MOTOR FREIGHT TERMINAL.

"Trucking or Motor Freight Terminal" means a building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

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

1103.1152 TRANSITIONAL SHELTER

"Transitional shelter" means a facility providing extended shelter and supportive services for a period up to four months for homeless individuals / families with the goal of helping them live independently and transition into permanent housing.

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

1103.116 USE.

"Use" means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

1103.117 VARIANCE.

"Variance" means a modification of the specific requirements of this Zoning Code granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district. Such modification shall not include authorizing a use not among the uses specified by this Zoning Code as permitted in the district in which such property is located.

1103.118 VISION CLEARANCE ON CORNER LOTS.

"Vision clearance on corner lots" means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and twelve feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured fifteen feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot.

1103.1181 WAREHOUSE.

"Warehouse" means a structure or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others, and whether the same being public or private warehouse.

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

1103.1182 WHOLESALE BUSINESS OR MAIL ORDER HOUSE.

“Wholesale Business or Mail Order House” means a business, the sale of whose products are for resale by the purchaser.

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

1103.119 YARD.

"Yard" means a space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this Zoning Code.

1103.120 YARD, FRONT.

"Front yard" means the horizontal space extending across the full width of a lot, measured at ninety degrees to the front lot line, between the principal building and the rear lot line.

1103.121 YARD, REAR.

"Rear yard" means the horizontal space extending across the full width of a lot, measured at ninety degrees to the rear lot line, between the principal building and the rear lot line.

1103.122 YARD, SIDE.

"Side yard" means the horizontal space between the front and rear yards, measured at ninety degrees to the side lot line, between the principal building and the adjacent side lot line.

1103.123 ZONE.

"Zone" means the same as "district". (Section 1103.33).

1103.124 ZONE MAP.

"Zone Map" means a map entitled "Sidney, Ohio, Zoning Map", dated 1996, and any amendments thereto.

1103.125 CITY MANAGER OR HIS OR HER DESIGNEE.

"City Manager or his or her designee" means the person designated to administer and enforce zoning regulations and related ordinances.

1103.126 ZONING CODE.

"Zoning Code" means Ordinance A-2248 passed April 9, 2001, as codified in Title One of Part Eleven - the Planning and Zoning Code of the Code of Ordinances of Sidney, Ohio.

1103.127 ZONING PERMIT.

"Zoning permit" means the document issued by the City Manager or his or her designee authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

1103.128 MOTOR VEHICLE ACCESSORY - RETAIL.

"Motor vehicle accessory - retail" means a building, lot, or portion of lot used or intended to be used in the business of retail sales of various motor vehicle vanity items that have nothing to do with the utility of the vehicle such as special rims, chrome accessories, spoilers, etc. Motor vehicle accessory - retail does not include the sale or service of motor vehicles or the sale or service of motor vehicle parts. Motor vehicle accessory - retail does not include motor vehicle

body shops, motor vehicle repair garage, motor vehicle service station, motor vehicle customizing shop, motor vehicle sales, rental or lease, motor vehicle wash facility or motor vehicle self-service station as defined by this code.

(Ord. A-2395. Passed 7-26-04.)