

CHAPTER 1135
Requirements for Specific Uses

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1135.01 USES AND REQUIREMENTS.

The following uses are listed as provisional uses, accessory uses or special exceptions in various districts in this code. These uses are required to meet the requirements of this chapter in addition to the requirements of the districts in which the uses are allowed. If there is a conflict between the requirements of this chapter and the requirements of the districts in which the uses are allowed, the most restrictive requirements shall govern.

1135.02 ACCESSORY APARTMENT.

An accessory apartment within an owner-occupied, single family dwelling shall be subject to the following specific requirements:

- (a) The accessory apartment shall consist of a separate dwelling unit from the single-family dwelling.
- (b) Not more than one accessory apartment may be established within a single-family dwelling.
- (c) The owner of the dwelling within which an accessory apartment is located must occupy at least one of the dwelling units as the owner's permanent residence.

- (d) The accessory apartment and the principal dwelling shall be under the same ownership.
- (e) The dwelling within which the accessory apartment is contained shall have the appearance of a single-family dwelling. An entrance for the accessory apartment shall not face a street, unless the entrance existed as a utility entrance to the original dwelling prior to the establishment of the accessory apartment.
- (f) No addition to the single-family dwelling for an accessory apartment shall increase the original floor area of the dwelling by more than 10 percent.
- (g) One off-street parking space shall be provided for the accessory apartment. This space shall be in addition to the existing required off-street parking spaces for the single-family dwelling.
- (h) The accessory apartment shall not contain more than 30 percent of the dwelling's total floor area, be larger than 800 square feet, nor have more than two (2) bedrooms. However, the minimum floor area shall conform to the requirements of the *OBOA One, Two & Three Family Dwelling Code*, as specified in Chapter 1303 of Part 13--Building Code of the *Codified Ordinances of Springfield*.
- (i) The right to have an accessory apartment shall cease upon transfer of title to the property, and the right to maintain an accessory apartment in no way authorizes establishment of the dwelling as a duplex.
- (j) A notarized affidavit from the owner verifying that he is the legal resident of one of the dwelling units on the premises and that one of the occupants in the other dwelling unit is elderly or handicapped shall be submitted to the City prior to issuance of an accessory apartment zoning certificate. Furthermore, the owner shall, as a requirement of continuance of the accessory apartment, submit a notarized affidavit by January 31 each year, certifying compliance with this requirement.
- (k) The effective period of the permit shall be for three (3) years. At the end of every three (3) year period, renewal of the accessory apartment zoning certificate shall be granted only after completion of a routine housing inspection verifying that the property remains the principal residence of the owner and that all of the conditions of this code have been met.

1135.03 CEMETERY AND MAUSOLEUM.

A cemetery and mausoleum shall be subject to the following specific requirements:

- (a) Any new cemetery shall be located on a site containing not less than 20 acres or five (5) acres for a pet cemetery.
- (b) All interments and structures including but not limited to a mausoleum, permanent monuments or maintenance buildings shall be set back not less than 35 feet from all property lines.
- (c) All access shall be provided from a primary or secondary arterial street identified on the *Land Use Plan*.
- (d) The cemetery shall be screened from view of any abutting residential district by meeting the requirements of Subsection 1161.02(h).
- (e) Approval shall be contingent upon a satisfactory drainage plan approved by the City Engineer.

- (f) Cemeteries and mausoleums allowed only as a conditional use shall have adequate off-street stacking spaces provided for funeral processions.
- (g) No burial plots shall be permitted in a flood plain.

1135.04 CLUBS.

A club shall be subject to the following specific requirements:

- (a) Information that specifies whether it is nonprofit or for profit, its purpose and activities, number of members, and its officers shall be submitted and included with the zoning certificate for the club.
- (b) Use of the facilities shall be limited to the members and their guests.
- (d) A listing of anticipated peak times and activities and anticipated expansion of the facilities shall be submitted.
- (e) All structures and facilities shall comply with the following dimensional requirements:
 - (1) Minimum lot area: 30,000 square feet
 - (2) Minimum yards:
 - A. Front yard--100 feet
 - B. Side yard--30 feet
 - C. Rear yard--50 feet
- (f) Clubs requiring more than 20 parking spaces shall be located on and have its only access to a street with a minimum pavement width of 40 feet.
- (g) Parking facilities shall not be located closer than 20 feet from a side or rear lot line where abutting an R district and shall be screened from view of the abutting R district by meeting the requirements of Subsection 1161.02(h).
- (h) The following requirements shall be applicable to specific uses in association with a club.
 - (1) **Driving range.** In R districts, outdoor lighting shall not be installed for its use during nighttime hours.
 - (2) **Swimming pools.**
 - A. An outdoor pool shall be enclosed by a six (6) foot high fence or wall to prevent uncontrolled access.
 - B. A pool shall be subject to the yard requirements of this section.
 - C. A pool located within an R district or within 100 feet of a lot in an R district shall be screened from view according to the requirements of Subsection 1161.02(h).

1135.05 THROUGH 1135.14 REPEALED BY ORDINANCE NO. 06-425, PASSED 12-5-06.

1135.15 SEPARABILITY.

Should any section, clause, paragraph, sentence, item, phrase, or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1135.16 DWELLINGS, ZERO LOT LINE OR ATTACHED.

A zero lot line dwelling or townhouse shall be subject to the following specific requirements:

- (a) Where an abutting lot has been developed with a principal building having a setback of more than zero (0) feet but less than 10 feet from the side lot line in common, the zero lot line dwelling shall be located so there is a minimum of 10 feet to the adjacent principal building. An easement from the abutting lot owner shall be secured prior to the issuance of a building permit to ensure that a zero (0) or ten 10 foot separation is retained.
- (b) No portion of a wall, roof, or appurtenance along the zero side yard shall project over the lot line. Openings in the wall shall be prohibited.
- (c) Legal provision shall be made for permanent access for the maintenance of the exterior portion of the proposed building wall located upon the lot line and for other common elements such as driveways. A permanent 10 foot maintenance easement to provide such access shall be secured prior to issuance of a building permit.
- (d) Each end unit of a townhouse shall have one (1) side yard of a minimum of ten 10 feet.
- (e) Each dwelling unit shall be provided with a separate building access and with separate utility service from the street.

1135.17 EXTRACTION.

Extraction shall be subject to the following specific requirements:

- (a) A license to operate shall be obtained from the Department of Natural Resources (DNR). Failure to maintain said license shall constitute abandonment.
- (b) An application for such operation shall set forth the following information (compare to DNR requirements):
 - (1) Name of the owner or owners of land from which removal is to be made.
 - (2) Name of the applicant making request for such a permit.
 - (3) Name of the person or corporation conducting the actual removal operation.
 - (4) Location, description and size of the area from which the removal is to be made.
 - (5) Type of resources or materials to be removed.
 - (6) Proposed method of removal and whether or not blasting or other use of explosives will be required.
 - (7) Description of equipment to be used.
 - (8) Anticipated ending date for extraction and the method of rehabilitation and reclamation of the area.
 - (9) The means that will be used to prevent the deposition of mud and debris from trucks on public streets and highways.
 - (10) The means of controlling fugitive dust from the extraction.
 - (11) Certification that all state and federal regulations can and will be met.
- (f) Extraction shall not occur within 1,000 feet of an R District.
- (g) Extraction shall not occur within 100 feet of abutting property or a street.
- (h) The applicant shall demonstrate that such operations will not be detrimental to the vicinity or surrounding properties.

- (i) The banks of an extraction site less than five (5) feet deep, shall be sloped at a grade of not less than three (3) feet horizontal to one (1) foot vertical, and such banks shall be surfaced with at least six (6) inches of suitable soil and seeded with a vegetative cover to prevent erosion.
- (j) Whenever the floor of an extraction site is more than five (5) feet below the grade of the site's perimeter or the site contains more than three (3) feet of water, the site shall be completely enclosed by a barrier consisting of a fence on not less than a six (6) foot high mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from entering the site. Such mound shall be located at least 25 feet from any street, road, highway or boundary of the quarry property.
- (k) All quarrying, blasting, drilling or mining shall be carried out in a manner and on such scale as to minimize dust, noise and vibrations and to prevent adversely affecting the surrounding properties. A blasting permit shall be obtained from the Springfield Fire Division for all blasting that is done.

1135.18 FUNERAL HOMES.

Funeral homes shall be subject to the following specific requirements:

- (a) Funeral homes shall be located with access to a secondary or primary arterial street as identified on the Land Use Plan Map.
- (b) Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to the required off-street parking area.
- (c) The site shall have a minimum frontage of 120 feet and a minimum lot area of 40,000 square feet.
- (d) Loading and unloading areas used by ambulances, hearses or other such service vehicles and located within an R district or within 100 feet of a lot in an R district shall be [obscured] screened from view according to the requirements of Subsection 1161.02(h).

1135.19 HOME OCCUPATION.

A home occupation shall be subject to the following specific requirements:

- (a) The home occupation shall be operated solely within the dwelling unit or an accessory building to the dwelling unit. One person not a resident of the premises may be employed to assist in the home occupation. However, nothing in these provisions shall prevent persons who do not reside on the premises from assisting in those aspects of a home occupation that are off- premises.
- (b) Those home occupations that occupy more than 10 percent of the floor area of a dwelling unit shall be subject to the provisions of the Ohio Basic Building Code. Floor area shall be construed as that area of a dwelling unit bounded by the exterior walls or fire walls of the dwelling unit (refer to the *Ohio Basic Building Code*, as regulated in Chapter 1303 of Part 13--Building Code of the *Codified Ordinances of Springfield*).
- (c) There shall be no external alteration of the residential appearance of a dwelling. However, an entrance which provides direct access to the home occupation may be

- constructed in a wall of the dwelling that does not face a street.
- (d) There shall be no direct selling or leasing of stocks of merchandise, supplies or products on premises. A person may pick up an order made by prior arrangements.
 - (e) There shall be no disturbance such as noise, vibration, electrical interference, smoke, dust, odor, heat or glare beyond the lot lines or beyond the confines of the dwelling unit if the unit is part of a two-family or multi-family dwelling.
 - (f) There shall be no exterior display; exterior storage of merchandise, inventory, equipment, or materials; window display, including a sign visible from outside the dwelling; sign (except as otherwise provided in Subsection 1155.06(b)(2)(A); house calls after 10:00 p.m. or before 7:00 a.m.; nor other indication from the exterior that a dwelling or accessory building is being used in part for any use other than that of a dwelling or accessory building for purely residential purposes.
 - (g) There shall be no toxic; explosive; flammable; combustible; corrosive; etiologic; or radioactive materials, used or stored on the premises, except that which is generally used for domestic purposes.
 - (h) At the dwelling of the home occupation, the use; parking or storage of such equipment and vehicles as tractors; semi-truck tractors or trailers; heavy equipment such as construction equipment; and commercially licensed vehicles with six (6) wheels or more shall be prohibited. Commercially licensed vehicles with fewer than six (6) wheels shall be parked in adequate sized off-street parking spaces which meet the requirements of this code. However, not more than one-third (1/3) of the (required) front yard shall be used for parking or be surfaced with impervious material.
 - (i) The required number of off-street parking spaces for the dwelling unit to which the home occupation is accessory, shall be provided. The home occupation shall not reduce nor render unusable, areas provided for required off-street parking.
 - (j) No more than two (2) persons may avail themselves of the services provided by a home occupation at any one time. However, classes for generalized or specialized private instruction for more than two (2) but not more than 10 individuals may be permitted if authorized as a conditional use by the Board of zoning appeals in accordance with the procedures of section 1172.05.
 - (k) The following uses and activities shall be prohibited:
 - (1) Ambulance service.
 - (2) Animal service, including a veterinarian establishment; animal grooming business; kennel; or establishment for the boarding of animals.
 - (3) Appliance repair shop for large appliances such as but not limited to clothes washers and dryers; cooking ranges; refrigerators and freezers; and dishwashers.
 - (4) Barber shop.
 - (5) Beauty parlor, including a manicurist and cosmetologist.
 - (6) Limousine service involving more than two (2) limousines.
 - (7) Machine shop.
 - (8) Office of a person in a healing profession
 - (9) Painting of vehicles, trailers, or boats.
 - (10) Tattoo parlor.

- (11) Vehicle and motorized equipment repair, including parts sales or detailing; vehicle washing; and large and small engine repair.
- (12) Welding shop.
- (l) A Certificate of Zoning Approval shall be obtained from the Director of Community Development or his authorized representative prior to establishing a home occupation. Home occupations shall, on occasion, be subject to inspection to determine compliance with these provisions.

1135.20 KENNEL, VETERINARIAN CLINIC, AND ANIMAL HOSPITAL.

A kennel, veterinarian clinic, or animal hospital shall be subject to the following specific requirements:

- (a) Dimensional requirements:
 - (1) Minimum lot area: 20,000 square foot
 - (2) Minimum yards:
 - Front--50 feet
 - Side--40 feet
 - Rear--50 feet
- (b) All structures shall be located a minimum of 200 feet from an R district.
- (c) Except in an AG district, there shall be no outdoor animal pen or dog run.
- (d) Services shall be administered within a fully enclosed building.

1135.21 NURSING HOME.

A nursing home shall be subject to the following specific requirements:

- (a) A nursing home shall access an arterial street as identified on the Land Use Plan Map or on a street pavement wider than 30 feet.
- (b) Dimensional requirements.
 - (1) Minimum lot area: 600 square feet of lot area per each bed.
 - (2) Minimum yards:
 - Front yard--40 feet
 - Side yard--30 feet
 - Rear yard--25 feet
 - (3) The maximum permitted building coverage shall be 40 percent.

1135.22 PUBLIC UTILITY OR PUBLIC USE.

Public utilities shall be subject to the following conditions and standards:

- (a) Site standards for essential services and utility uses:
 - (1) Utility substations shall be located at least 100 feet from an R district boundary.
 - (2) The site shall access an arterial street as identified on the Land Use Plan Map or on a street pavement wider that 30 feet.
 - (3) All proposed uses and facilities located within 100 feet of an R district boundary shall be contained within buildings or structures.
 - (4) A landscaped berm at least five (5) feet in height shall be required in all yards abutting an R district or street.
- (b) Location of utility lines:

- (1) Such use shall not affect the general plan.
 - (2) Such use shall not endanger the health and safety of residents or workers in the area.
 - (3) The location of the use shall provide for minimal visual impact and shall not impair the use of surrounding properties.
 - (4) The use of utility corridors shall be encouraged, using existing utility line or transportation right-of-way for various transmission uses.
 - (5) The alignment shall follow the topography to minimize any effects to the terrain.
 - (6) There shall be minimal vegetative clearance for soil erosion control.
- (c) Installation of underground utilities:
- (1) All new extensions of electrical and communications distribution and service facilities, equipment and lines carrying less than 34,500 volts, hereafter constructed or installed shall be placed underground, unless special permission to construct said facilities above ground is granted, as hereinafter provided.
 - (2) All relocations of existing overhead electrical and communications distribution and service poles supporting lines carrying less than 34,500 volts, required to be relocated by reason of change of grade or alignment, or the widening of the street within which such overhead facilities exist, shall, upon relocation, be placed underground, unless special permission to reconstruct said facilities above ground is granted, as hereinafter provided. This provision shall apply only as to those streets within an area of the city declared by the City Commission to be an underground utility district.
 - (3) Overhead electrical and communications distribution and service poles supporting lines carrying less than 34,500 volts shall not be installed to support overhead facilities, where such installation would duplicate an existing pole line within an entire city block.
 - (4) Electric and communication service wires or cables to any new building or structure shall be placed underground.
 - (5) Exceptions:
 - A. Poles used exclusively for street lighting.
 - B. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extended from one location on the building to another location on the same building or to an adjacent building on the same lot or parcel without crossing any street.
 - C. Equipment appurtenant to underground facilities, such as surfaced-mounted transformers, pedestal-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts.
 - D. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street lighting facilities may be placed above ground within the street or other public place as appropriate.
 - E. All facilities reasonably necessary to connect underground facilities to

existing or permitted overhead or above ground facilities.

- F. Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new.

1135.23 RELIGIOUS INSTITUTION AND COMMUNITY CENTER.

A religious institution shall be subject to the following specific requirements:

- (a) A religious institution or community center shall be located with access to an arterial street as identified on the *Land Use Plan* map or on a street pavement wider than 30 feet.
 - (b) The following dimensional requirements shall be applicable only to the construction of a new building:
 - (1) Minimum lot area: 40,000 square feet.
 - (2) Minimum yards: Two and one-quarter (2.25) feet of horizontal distance shall be provided for each one (1) foot of building height measured between the nearest point of any lot line and the nearest point from which the height is measured.
- (Ord. 09-94. Passed 4-14-09.)

1135.24 SALVAGE YARD.

A salvage yard shall be subject to the following specific requirements:

- (a) No operation shall be permitted closer than 1,000 feet to any R district.
- (b) All outdoor storage shall be conducted entirely within an enclosed fence, wall or other solid screen. Solid gates shall be provided at driveway areas. Such enclosures shall be constructed on or inside the front, side and rear lot lines and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited. Junk or salvage materials shall not form part of the fence, be piled higher than the height of the fence, nor be placed against the fence.
- (c) For fire protection, an unobstructed firebreak eight (8) feet in width shall be maintained around the entire salvage yard.
- (d) The storage of rags, paper and similar combustible waste shall not be closer than 100 feet to any property line, unless enclosed in a masonry building of not less than four-hour fire resistive construction.

1135.25 SATELLITE RECEIVING DEVICE.

A satellite receiving device in R Districts shall be subject to the following specific requirements:

- (a) The device shall not be located in the area between the street and the building line; in the side yard where abutting a lot in an R district; nor on the roof or attached to the side of any building, except for a device less than two (2) feet in diameter.
- (b) The device shall be securely mounted to withstand high winds as determined by the Chief Building Official or his designee.
- (c) The device shall not be located within utility easements or otherwise interfere with

city utilities unless approved by the City Engineer.

1135.26 ANIMALS.

Livestock and exotic animals shall be allowed on buildings and lots only as follows:

- (a) Livestock and non-carnivorous animals (other than domestic dogs, cats, and fish) may be kept on parcels of not less than three acres. Livestock and non-carnivorous animals kept on parcels of three acres or more shall be kept in an appropriately fenced area. Structures for fowl or small animals shall not be less than 100 feet distant from every abutting property line in an R district, while structures for horses, cattle, sheep, goats, and other large livestock shall be not less than 200 feet from every abutting property line in an R district.
- (b) Carnivorous animals, other than domestic dogs, cats, and fish, cannot be housed inside or outside structures in the city, except as part of a licensed circus or exhibition.

(Ord. 02-177. Passed 4-16-02.)

1135.27 CARGO CONTAINERS.

(a) Definition. As used in this section, “cargo container” shall mean a standardized, reusable weatherproof fully enclosed box-like structure constructed with doors, originally designed for the shipment or storage of freight or other goods, and commonly designed for or is capable of being mounted on a railroad car, a chassis or bogie for movement by truck, and/or a ship.

(Ord. 04-132. Passed 4-20-04.)

(b) Cargo containers may not be used for warehouse/storage as the primary use of a property.

(Ord. 04-132. Passed 4-20-04.)

(c) Cargo containers 120 square feet or smaller in size may be used as temporary structures. As such, they may not be placed in front or side yard required setbacks.

(Ord. 04-132. Passed 4-20-04.)

(d) Cargo containers exceeding 120 square feet are allowed in residentially zoned districts only if in active use for the storage of construction materials for ongoing permitted construction, or for a maximum period of seven consecutive days in association with the relocation of the contents of a residential structure.

(Ord. 04-132. Passed 4-20-04.)

(e) Cargo containers exceeding 120 square feet are allowed in commercially zoned districts only as a conditional use. They may not be located in any setback required by zoning, nor be placed upon required parking, nor may their combined area exceed 7% of the floor area of the permanent structures on the site. They cannot be stacked.

(Ord. 04-132. Passed 4-20-04.)

(f) Cargo containers exceeding 120 square feet are allowed as accessory uses in industrially zoned districts. They may be stacked two high.
(Ord. 04-132. Passed 4-20-04.)