

ARTICLE 29

EXCEPTIONS, MODIFICATION AND INTERPRETATIONS

SECTION 2901 APPLICATION

The requirements and regulations specified hereinbefore in this Zoning Resolution shall be subject to the following exceptions, modifications and interpretations.

SECTION 2902 HEIGHT LIMITS

Height limitations stipulated elsewhere in this Zoning Resolution shall not apply:

- A. To barns, silos or other farm related structures on farms, provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, bulkheads and elevator penthouses; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- B. To fire towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height; provided, however, that, all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line.

SECTION 2903 AREA REQUIREMENTS WITHOUT UTILITIES

In a Residential District where plumbing facilities will not be connected to public sewer and water, each lot shall contain a minimum area of forty thousand (40,000) square feet and shall have at least two hundred (200) feet of lot frontage along a public street or road.

SECTION 2904 RESIDENTIAL CORNER LOTS

- A. The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.
- B. When the principal building is located with its greatest depth on the long side of a corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot depth; but in no case shall the shortest distance, measured horizontally between any part of a building, and the rear lot line, be less than twenty (20) feet.
- C. On all corner lots the principal building shall be set back a minimum of twenty-five (25) feet on each street from the established right-of-way line as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.

SECTION 2905 FRONT YARD EXCEPTIONS, AND MODIFICATIONS

- (2)
- A. In any Zoning District, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Resolution, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards, or the average depth of existing front yards of the two lots immediately adjoining; or, in the case of a corner lot the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet including all projections nor required to be more than fifty (50) feet.
 - B. In any Zoning District where the natural grade of a lot within the required front yard has an average slope normal to the front lot line at every point along said line, of such a degree of percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Zoning Resolution, such garage may be located within such front yard, but not in any case closer than ten (10) feet to the street lines.
 - C. All lots in any Zoning Districts fronting on major thoroughfares shall have a front yard depth of not less than thirty-five (35) feet measured from the street right-of-way line.

SECTION 2906 DOUBLE FRONTAGE LOTS

Building on lots having frontage on two (2) nonintersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

SECTION 2907 SIDE AND REAR YARD EXCEPTIONS OR MODIFICATIONS

- A. Side yard widths may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than six (6) feet in any case.
- B. Rear yard depths may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular. In such cases the average depth of the rear yard shall not be less than the otherwise required least depth, provided, however, that such rear yard shall not be narrower at any point than one-half (1/2) the otherwise required least depth, or narrower than twenty (20) feet in any case.

SECTION 2908 PROJECTIONS INTO REQUIRED YARDS

Architectural features may project into required yards or into courts as follows:

- A. Into any required front or side yard adjoining a side street:
1. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
 2. Fire escapes may project a distance not to exceed four (4) feet, six (6) inches.
 3. An open stair and necessary landing may project a distance not to exceed six (6) feet.
 4. A front porch may project into a front yard a distance not to exceed six (6) feet, provided it is open on three (3) sides, except for railing or banisters.
 5. Bay windows, balconies, or chimney may project into a yard a distance
not
to exceed five (5) feet; provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
- B. Subject to the limitations in the preceding paragraphs, the above named features project into any required side yard adjoining an interior side lot line, a distance
not
exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.
- C. Subject to the limitation in Paragraph A, the features named therein may project
are
any required rear yards or into any required outer court the same distance they permitted to project into a front yard.

SECTION 2909 FENCES, WALLS AND HEDGES

A fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a line in a Residential District or adjacent thereto to a height not exceeding eight (8) feet above ground level, except that no such fence, wall, hedge, or shrubbery which is located a required front yard or the required building setback on a corner side yard shall exceed a height of three and one-half (3 1/2) feet and shall be subject to the traffic visibility requirements of Section 2703 for a corner lot.

Electrified fences shall be prohibited in all Zoning Districts except the "A" District
unless
specifically permitted by the Board of Zoning Appeals pursuant to Article 4, Section 406.

SECTION 2910 FILLING STATIONS, PUBLIC GARAGES AND PARKING LOTS

- A. No gasoline filling station or public garage shall be permitted where any dispensing

pumps any oil drainage pit or visible appliance for any such purpose other than filling caps, is located within twelve (12) feet of the established right-of-way line as shown on Official Thoroughfare Plan for Montgomery County or within twenty-five (25) feet of any "R" District, except where such appliance or pit is within a building.

- B. Canopies may be erected over service station pump islands provided that no canopy shall be closer than five (5) feet to the right-of-way and provided that the vertical supports for the canopy shall not be closer than 12 feet to the right-of-way. Such canopy shall not exceed eighteen (18) feet above the ground level and shall be at least fourteen (14) feet above the ground level. On corner lots, no canopy shall be closer than ten (10) feet to the right-of-way as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.
- C. On all corner lots, all vehicular entrances to, or exits from, and curb openings, shall be set back a minimum of twenty-five (25) feet from the corner property lines extended or from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County, Ohio. All curb opening whether on
 - a corner lot or not, shall not exceed forty (40) feet in width at the curb line, and thirty (30) feet at the property line. There shall be a minimum of twenty (20) feet measured along the property line, between any series of driveways.

SECTION 2911 EXOTIC ANIMALS

- A. No person shall own, harbor, keep, breed, sell or import any exotic animals or reptiles. The term "exotic animal or reptiles" shall mean other wild animals/reptiles not indigenous to Ohio. Example: lions, tigers, elephants, alligators, crocodiles, etc.
- B. Exemptions and special provisions:
 - 1. Exotic animals purchased or adopted and housed on the subject property prior to the adoption of this amendment providing:
 - a. That a bill of sale or notarized statement which verifies this date is provided.
 - b. That such exotic animal be confined in a house, building, or other enclosure in such a way that human contact, other than the owner (s) cannot occur.
 - 2. Wild animals held for exhibit or use by research institutions and other governmental agencies having legal authority to possess wild animals, publicly supported zoos, circuses, or extensions thereof.
 - 3. Any animal which is commonly sold by a bona fide commercial pet shop.

SECTION 2912 MOBILE HOMES OR HOUSE TRAILERS - PERMITTED LOCATION

Mobile Homes or House Trailers must be located in Mobile Home Parks.

