

ARTICLE 39

EXCEPTIONS, MODIFICATION AND INTERPRETATIONS

SECTION 3901

APPLICATION

The requirements and regulations specified herein before in this zoning resolution shall be subject to the following exceptions, modifications and interpretations.

SECTION 3902

HEIGHT LIMITS

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

- A. To places of public assembly in churches, schools and other permitted public and semipublic buildings, provided that these are located on the first floor of such buildings and may provide that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- 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 3903

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 3904

FRONT YARD EXCEPTIONS AND MODIFICATIONS

- 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 (2) 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 (1) feet to the street lines.
- C. All lots in any Zoning District fronting on major thoroughfares shall have a front yard depth or not less than thirty-five (35) feet measured from the street right-of-way line.

SECTION 3905

DOUBLE FRONTAGE LOTS

Buildings on lots having frontage on two (2) non-intersecting streets need not have a rear yard if any 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 3906

SIDE 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 3907

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 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 for 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 may project into any required side yard adjoining an interior side lot line, a distance not to 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 into any required rear yards or into any

required outer court the same distance they are permitted to project into a front yard.

SECTION 3908

FENCES, WALLS AND HEDGES

A fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line in a Residential District or adjacent thereto to a height not exceeding eight (8) feet above the ground level, except that no such fence, wall, hedge, or shrubbery which is located in a front yard shall exceed four (4) feet and shall be subject to the traffic visibility requirements of Section 3703 for a corner lot.

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

SECTION 3910

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 the 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 provide that the vertical supports for the canopy shall not be closer than twelve (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 of the intersection. All setbacks are taken from the rights-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 openings 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 3911

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 used 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 bonafide commercial pet shop.

SECTION 3912

AIRPORT REGULATIONS

- A. Airport regulations shall be followed in accordance with the Federal Aviation Regulations Volume XI Part 77 “Objects Affecting Navigable Airspace” together with all amendments thereto.
- B. Airport Approach Area
Airport Approach Area has a length of 10,000 feet beginning two hundred (200) feet from the end of each runway and extending outward and is symmetrically

located with respect to the extended runway centerline with a total width of 1,000 feet at the end adjacent to the runway and flaring uniformly to a total width of 4,000 feet at the end of the 10,000 foot section. (See Zoning Map)

C. Airport Turning Area

Airport Turning Area is a place, approximately circular in shape, with a height of 150 feet above the established airport elevation and having a radius measured from the ends of the runways of 10,000 feet. (See Appendix)

3912.01

LIGHTS AND ELECTRICAL INTERFERENCE

A. Visual and Electrical Hazards

Notwithstanding any other provisions in these regulations, no use may be made of land within any zoning district established by these regulations in such a manner as to:

1. Create electrical interference with radio communications between the airport and aircraft.
2. Make it difficult for operator of aircraft to distinguish between airport lights and other lights, resulting in glare to the eyes of operators of an aircraft approaching, leaving or using the airport;
3. Impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft; or
4. In any other manner constitute an airport hazard.

B. Markers and Lights

Any zoning permit or variance granted under these regulations may be so conditioned to require the owner of the structure or object of natural growth in question to permit the installation, operation, and maintenance thereon, at no expense to the owner, of such markers and lights as may be necessary to indicate the presence of an airport hazard.

3912.02

HEIGHT RESTRICTIONS

Height limits for buildings in airport approach areas to instrument runways shall be not more than one foot in height for each 500 feet in distance measured from a point 200 feet from the end of the

runway but not less than 25 feet in any case. All other runways it shall be one foot in height for each 40 feet in distance measured from a point 200 feet from the end of the runway.

Chimneys, towers, monuments, cupolas, domes, spires or similar structures may be erected above the height limits when located within the airport turning area or within any airport approach are by approval of the Board of Zoning Appeals as a special exception.

In such case, application for a special exception to the height limitations shall be filed with the Zoning Inspector and transmitted by him to the Board of Zoning Appeals. The height limitations thus imposed shall be determined by the Board in consultation with and recommendation of the Federal Aviation Administration and Airport Authority.