

# City of Niles, Ohio

SPONSORED BY: SAFETY  
AUTHORIZED BY: JULIAN

DRAFT NO. 72-26

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE UPDATING CITY OF NILES PERMIT FEES AND NILES FIRE CODE FEE SCHEDULE AND CREATING NILES CODIFIED ORDINANCES 171 AND 172 FOR EACH FEE SCHEDULE, RESPECTIVELY; AND, DECLARING AN EMERGENCY.

WHEREAS, the Planning & Permitting Department of the City of Niles seeks to update the permit fees and fire code fee schedule, see attached Exhibit A; and

WHEREAS, the City of Niles seeks to consolidate all permit fees and fire code fees by creating Niles Code Sections 171 and 172, applicable to all referenced fees in the Niles Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION ONE: Council hereby authorizes the updated permit fee and fire code fee schedules, and further authorizes the establishment of NCO Section 171 and NCO Section 172 for each fee schedule respectively.

SECTION TWO: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the reason that the permit fees and fire code fees can take effect at the earliest time allowable. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

# Planning and Permitting Department



Birthplace of William McKinley  
25th President of the United States

Duke Wheeler  
Building Official  
Building Inspector

**City of Niles, Ohio**



34 West State Street  
Niles, Ohio 44446

330-544-9000 EXT. 1181  
[dwheeler@thecityofniles.com](mailto:dwheeler@thecityofniles.com)

TO: City of Niles Council

## PERMIT FEES

|                               |                                                                    |
|-------------------------------|--------------------------------------------------------------------|
| Above ground Pool             | \$50.00 + \$35.00 Writing Fee                                      |
| Inground pool                 | \$100.00 + \$35.00 Writing fee                                     |
| Certificate Of Occupancy      | \$75.00 was \$65.00                                                |
| Wall Sign                     | \$100.00 up to 100 SF + \$35.00 writing fee                        |
| Wall Sign                     | \$200.00 over 100 SF + \$35.00 writing fee                         |
| Re-Facing of sign(s)          | \$95.00 + \$35.00 Writing Fee                                      |
| Pylon Sign (Sign only)        | \$100 plus review + \$35.00 writing fee up to 20 SF                |
| Pylon Sign (Sign only)        | \$250 plus review + \$35.00 writing fee over 20SF                  |
| Pylon sign with base and pole | Cost of project + review + \$35.00 Writing fee                     |
| Electronic sign               | \$200.00 per side + review + Cost of project + \$35.00 writing fee |
| Shed                          | (200 SF or less) Zoning fee                                        |
| Shed                          | Project cost + Zoning + \$35.00 Writing fee                        |
| Floodplain Application Fee    | \$150.00                                                           |
| Residential Inspection        | \$30.00 (was \$15.00)                                              |
| Building, MEP's               |                                                                    |
| Commercial Inspection         | \$50.00 (was \$30.00)                                              |
| Building, MEP's               |                                                                    |
| Roofing/Siding/windows        | \$50.50 (was \$30.30)                                              |
| Generators                    | \$75.00 + Writing Fee                                              |

## **FIRE CODE FEE SCHEDULE**

### **Fire Alarms**

- \$100 for 1 – 10 devices – Any combination of pull stations, smoke detectors or sprinkler tamper devices
- \$200 for 10 or more devices - Any combination of pull stations, smoke detectors or sprinkler tamper devices

### **Fire Sprinkler Systems**

- \$50 – Sprinkler piping inspection on a system with less than 20 heads
- \$100 - Sprinkler piping inspection on a system with more than 20 heads
- \$200 – Hydro test per NFPA – two (2) hours @ 200 psi

### **Re- Inspection Fees**

- \$50 for any follow up inspection
- \$200 for any follow up hydro test failure

### **Hood Suppression System**

- \$75 for hood suppression test including activation of alarm

# City of Niles, Ohio

SPONSORED BY: Com. Dev. Neighborhood Stab. Amended DRAFT NO. 58-26  
AUTHORIZED BY: ALL MEMBERS

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE TRANSFER OF UNUSED LANDS OWNED BY THE CITY OF NILES TO TRUMBULL COUNTY LAND REUTILIZATION CORPORATION.

WHEREAS, the City of Niles owns a parcel of property #25-675450, 946 Warren Avenue, Niles, OH.

WHEREAS, Council has determined that said property is not required for any public purpose of the City at this time; and,

WHEREAS, it is in the best interest of the City of Niles that the lands be transferred and conveyed to the Trumbull County Land Reutilization Corporation for the purposes described and permitted in Ohio Revised Code Section 1724.10.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the real estate described in attached Exhibit “A” be transferred and conveyed to Trumbull County Land Reutilization Corporation upon the terms and conditions designated hereinafter.

SECTION 2: That: (a) City Council has determined and does determine that the aforementioned real estate is not required by the City of Niles, Ohio, for its purposes at this time; (b) that the transfer of said real estate by the Trumbull County Land Reutilization Corporation for said purpose shall promote the welfare of the people of the City of Niles.

SECTION 3: That the Mayor or Service Director of the City be and hereby are authorized to execute deeds of conveyance to the Trumbull County Land Reutilization Corporation for said real estate subject to the terms hereof.

SECTION 4: That the City of Niles shall retain all oil and gas rights to said lots, and all rights and privileges in and to any utility easements running across, over and under said real estate such that the conveyance hereof shall in no way affect or diminish said rights and privileges.

SECTION 5: That Trumbull County Land Reutilization Corporation include in any agreement to convey the subject real estate such other terms and conditions as its officers shall deem appropriate.

SECTION 6: That a certified copy of this Ordinance be recorded with the deed authorized herein.

SECTION 7: This Ordinance shall take effect at the earliest time permitted by law.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

## LEGAL DESCRIPTION

All that certain parcel of land situated in the City of Niles, County of Trumbull, State of Ohio, being known and designated as follows:

Known as being Niles City Lot No. 2327, being the same property conveyed by a deed recorded in Vol. 150, Page 606, Vol. 406, Page 20, Vol. 952. Page 800, Trumbull County Deed Records.

Property Address is: 946 WARREN AVE NILES OH 44446

Parcel No: 25-675450

# City of Niles, Ohio

SPONSORED BY: COM. DEV. NEIGHBORHOOD STAB.  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 66-26

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE CITY OF NILES TO ENTER INTO A TAX INCREMENT FINANCING (“TIF”) AGREEMENT WITH JRD HOLDINGS PARTNERSHIP FOR PHASE II OF THE DEVELOPMENT OF THE TIF INCENTIVE DISTRICT; AND, DECLARING AN EMERGENCY.

WHEREAS, on December 20, 2023, the City of Niles passed Ordinance No. 113-23 (“the TIF Ordinance”), creating a residential tax increment financing incentive district, and plans to create further residential tax increment financing districts; and

WHEREAS, JRD Holdings Partnership (“JRD”) has acquired or will acquire certain real property located within the City for the purpose of constructing approximately 30 single-family homes in two phases. Phase I was 12 units and Phase II is an additional 12 units under the agreement that JRD and the City of Niles will enter into a separate agreement prior to the commencement of any additional public infrastructure improvements in Phase II of the project; and

WHEREAS, the City of Niles and JRD find that it is necessary to construct or cause to be constructed certain public infrastructure improvements, as described in the attached agreement, to benefit and better serve the TIF districts; and

WHEREAS, Council seeks to authorize the City of Niles to enter into a Tax Increment Financing Agreement with JRD Holdings Partnership for construction of public infrastructure improvements.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the City of Niles to enter into a Tax Increment Financing Agreement with JRD Holdings Partnership for construction of public infrastructure improvements to benefit the TIF districts.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare and to allow the parties to enter into the agreement at the earliest time possible. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

## TAX INCREMENT FINANCING AGREEMENT

This TAX INCREMENT FINANCING AGREEMENT (this "Agreement"), is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ (the "Effective Date"), by and between the CITY OF NILES, OHIO (the "City"), a political subdivision duly organized and validly existing under the constitution and the laws of the State of Ohio (the "State"), and JRD Holdings Partnership, an Ohio Partnership (the "Company").

### WITNESSETH:

WHEREAS, the Company has acquired or will acquire certain real property located within the City, a depiction of which is attached hereto as Exhibit A (with each parcel as now or hereafter configured, a "Parcel," ) for the purpose of constructing approximately 30 single-family homes in two Phases. Phase I will be 12 Units. Phase II will be an additional 12 units. The Company and City agreed to enter into a separate agreement prior to the commencement of any additional public infrastructure improvements in Phase II of the project. The final development plan was approved by City Ordinance \_\_113-23\_\_, passed \_\_12-20-23\_\_ (the "Project"); and

WHEREAS, the City on \_\_12/20\_\_\_\_\_, 2023\_, has passed Ordinance No. \_\_113-23\_, ("the TIF Ordinance"), creating a residential tax incentive financing incentive district, and plans to create further residential tax incentive financing districts (individually, "the District" and collectively, "the Districts"); and

WHEREAS, in order to successfully develop the Districts, it is necessary to construct or to cause to be constructed certain public infrastructure improvements as described in Section 4 and in Exhibit B attached hereto (with the improvements identified therein being referred to herein as the "Public Infrastructure Improvements"), which the City and the Company agree will benefit or serve the Districts; and

WHEREAS, the City has declared that Seventy-five (75%) of the increase in the assessed value of each Parcel within an Incentive District subsequent to the effective date of the TIF Ordinance (such increase, as further defined in O.R.C. Section 5709.40 and the TIF Ordinance, is hereinafter referred to as the "Improvement," ) is a public purpose and is exempt from taxation for a period commencing with the first tax year that begins after the effective date of the TIF Ordinance and in which an Improvement due to the construction of a new structure on each parcel and/or hereafter configured parcels first appears on the tax list and duplicate of real and public utility property for each of the anticipated 12 Parcels for Phase II and ending on the earlier of (a) ten (10) years after such commencement for each separately improved parcel, or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of O.R.C. Sections 5709.40, 5709.42 and 5709.43 and the TIF Ordinance (the "TIF Exemption"); and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interest of the City to provide for the current owner of each Parcel (initially the Company) and any future owners of each Parcel (with the Company and each such future owner referred to herein individually as an "Owner" and collectively as the "Owners") to make annual service payments in lieu of taxes with respect to any Improvement allocable thereto (the "Service Payments") to the Trumbull County Treasurer (the "County Treasurer"), which Service Payments will be used, in part, to reimburse Owner for Costs of Public Infrastructure Improvements actually incurred as defined

herein, all pursuant to and in accordance with O.R.C. Sections 5709.40, 5709.42 and 5709.43 (collectively, the "TIF Statutes"), the TIF Ordinance, and this Agreement; and

NOW, THEREFORE, in consideration of the premises and covenants contained herein and to induce the Company to proceed with the construction of the Company Public Infrastructure Improvements, the parties agree to the foregoing and as follows:

Section 1.     Obligation to Make Service Payments.

(a)     Service Payments. Each Owner hereby agrees to make the Service Payments due during its period of ownership of one or more Parcels, all pursuant to and in accordance with the requirements of the TIF Statutes, the TIF Ordinance, the provisions of Ohio law relating to real property tax collection, and any subsequent amendments or supplements thereto. Service Payments will be made semiannually to the County Treasurer (or to the County Treasurer's designated agent for collection of the Service Payments) on or before the final dates for payment of real property taxes for the Parcels in the District, until expiration of the TIF Exemption. Any late payments will bear penalties and interest at the then current rate established under O.R.C. Sections 323.121 and 5703.47 or any successor provisions thereto, as the same may be amended from time to time. Service Payments will be made in accordance with the requirements of the TIF Statutes and the TIF Ordinance and, for each Parcel, will be in the same amount as the real property taxes that would have been charged and payable against the Improvement to that Parcel (after credit for any other payments received by the City under O.R.C. Sections 319.302, 321.24, 323.152 and 323.156, or any successor provisions thereto, as the same may be amended from time to time, with such payments referred to herein as the "Property Tax Rollback Payments") if it were not exempt from taxation pursuant to the TIF Exemption, including any penalties and interest. The City and each Owner agree that the Municipal Public Improvement Tax Increment Equivalent Fund referred to in Section 6 of the TIF Ordinance (the "TIF Fund") will receive all Service Payments and Property Tax Rollback Payments made with respect to the Improvement to each Parcel that are payable to the City, together with any investment earnings on money in that TIF Fund.

(b)     Priority of Lien. The Company acknowledges, for itself and any and all future Owners, that the provisions of O.R.C. Section 5709.91, which specify that the Service Payments for each Parcel will be treated in the same manner as taxes for all purposes of the lien described in O.R.C. Section 323.11, including, but not limited to, the priority of the lien and the collection of Service Payments, will apply to this Agreement and to the Parcels in the District and any improvements thereon.

(c)     Failure to Make Payments. Should any Owner fail to make any payment required hereunder, that Owner shall pay, in addition to the Service Payments it is required to pay hereunder, such amount as is required to reimburse the City for any and all reasonably and actually incurred costs, expenses and amounts (including reasonable attorneys' fees) required by the City to enforce the provisions of this Agreement against that Owner.

(d)     Recordation. Having obtained legal ownership of the real property located within the District, the Company shall, at its sole cost and expense, cause this Agreement to be recorded in the Trumbull County, Ohio real property records for each Parcel and each

District created, it being understood and agreed that the lien of this Agreement shall, in accordance with O.R.C. Section 323.11 and O.R.C. Section 5709.91, be prior to any mortgage, assignment, lease or other conveyance by the Owners of any of their part of or interest in the Parcels within the District, and prior to any security instrument encumbering all or any part of or interest in the Parcels within the District; provided, however, that nothing contained in this Agreement shall be construed to permit acceleration of the Service Payments beyond the current year that such Service Payments are due. During the Term of this Agreement, the Owners shall cause all instruments of conveyance of any of their interest in all or any portion of the Parcels within the Districts, and of any improvements thereto, to subsequent mortgagees, lessees, lienholders, successors, assigns or transferees, to be made expressly subordinate and subject to this Agreement unless such interest is subordinate to this Agreement by operation of O.R.C. Section 5709.91. It is intended and agreed, and it shall be so provided by each Owner in any future deed conveying a Parcel or any part thereof, that the covenants provided in this Agreement shall be covenants running with the land and that they shall, in any event and without regard to technical classification or designation, legal or otherwise, be binding to the fullest extent permitted by law and equity for the benefit and in favor of and enforceable by the City and the Company whether or not this Agreement remains in effect or whether or not such provision is included by the Owner in any succeeding deed to subsequent Owners. It is further intended and agreed that these agreements and covenants shall remain in effect for the full period of the TIF Exemption permitted in accordance with the requirements of the TIF Statutes and the TIF Ordinance(s) enacted pursuant thereto. Each Owner shall only be responsible for making Service Payments that become due and payable during the period of that Owner's ownership of all or any portion of any Parcels within the Districts and only with respect to the portion of a Parcel within the Districts owned by the Owner. Upon satisfaction of each Owner's obligations under this Agreement and termination of the obligations of the Owners to make the Service Payments, the City shall, upon the request of an Owner, execute an instrument in recordable form evidencing such termination and releasing the covenants running with the land set forth in the deed.

Section 2. Establishment of a TIF Fund by the City; Distribution of Funds. The City agrees that it shall establish the TIF Fund as a deposit fund to be held in the custody of the City for the sole purpose of receiving the Service Payments made from the Owners to the County Treasurer and payable to the City. The parties also agree that the County may also be designated to maintain and service the TIF Fund account. Upon distribution of the Service Payments to the City, those Service Payments shall be deposited to the TIF Fund. Subject to the further provisions of Section 8 of this Agreement, amounts on deposit in the TIF Fund shall be used as follows: (i) *first*, to the extent available, to reimburse the Company for costs of the JRD Holdings Public Infrastructure Improvements (as defined herein), until the Reimbursement Amount (as defined herein) not to exceed \$232,68.50 is fully reimbursed for Phase II<sup>1</sup>; and (ii) *second*, to the City, to pay for or reimburse the City for costs of any City-constructed Public Infrastructure Improvements; and (iii) *third*, for any other purpose permitted under the TIF Statutes and the TIF Ordinance, as each may be amended from time to time.

Section 3. Exemption Applications, Withdrawal, Maintenance and Notice. The Company, or the Owner if the Company no longer owns the real property for which the TIF Exemption is

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<sup>1</sup> This amount is an engineers estimate and is subject to revision once the actual costs are presented to the City and certified by the Auditor to be reimbursed.

being applied, shall prepare, execute and file such applications, documents and other information with the appropriate officials of the State, the City or other public bodies as may be required to effect the TIF Exemption. The City, the Company, and the Owners shall cooperate with one another in such preparation and filing, including, without limitation, by executing such applications and documents as may be appropriate in obtaining such exemption. The City, the Company, and the Owners agree to perform those acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain the TIF Exemption, and collect the Service Payments, including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with the TIF Exemption or the Service Payments. Each Owner agrees to appoint the Company as its agent and representative and shall grant a power of attorney to the Company for the purpose of filing any Ohio DTE Form 24 exemption application forms or successor forms or replacement forms necessary to claim the TIF Exemption. The City shall cause notice to be recorded and prepared in accordance with the provisions of O.R.C. Section 5709.911(C)(1) at the County Recorder of Trumbull County, Ohio.

Section 4. Reimbursement for Costs of JRD Holdings Public Infrastructure Improvements. As described on Exhibit B, certain of the Public Infrastructure Improvements will be constructed by the Company including, without limitation: (i) open spaces to be transferred to the City, (ii) public roads constructed to serve the Project, and associated intersection improvements, (iv) rights-of-way to be transferred to the City, (iii) sewer infrastructure, (iv) storm water infrastructure, and (vii) water infrastructure. The foregoing Company-constructed Improvements are referred to herein as the "JRD Holdings Public Infrastructure Improvements." For purposes of this Agreement, costs of the JRD Holdings Public Infrastructure Improvements eligible for reimbursement (the "Costs") include the actual costs of the JRD Holdings Public Infrastructure Improvements and all the items of "costs of permanent improvements" as agreed to between the City and Company and incurred by the Company directly or indirectly with respect to the JRD Holdings Public Infrastructure Improvements. By the TIF Ordinance and by this Agreement, the City has designated all of the JRD Holdings Public Infrastructure Improvements as "public infrastructure improvements" as defined in O.R.C. Section 5709.40(A){7} that benefit or serve the District.

The City and the Company agree that Costs of JRD Holdings Public Infrastructure Improvements shall be paid and reimbursed as follows:

- (a) All Costs of JRD Holdings Public Infrastructure Improvements will initially be paid by the Company; and

(b) A portion of the Costs of the JRD Holdings Public Infrastructure Improvements equal to the Reimbursement Amount will be reimbursed from the TIF Fund as provided in this Agreement.

The City and the Company agree that the amount of the Costs of the JRD Holdings Public Infrastructure Improvements for which the Company shall be entitled to reimbursement (the "Reimbursement Amount") is a negotiated amount and is offered by the City to the Company in consideration of the Company's overall investment in the Project. The parties acknowledge that the overall investment in the project will be in excess of \$425,000; however, the Reimbursement Amount shall be up to and ~~not to exceed~~ \$232,687.50. The parties further acknowledge that this amount is an engineer's estimate and reimbursement shall be determined based on the actual cost may be higher or lower subject to certification by the City Auditor. The City shall not be responsible for reimbursement to the Company for any amounts related to the project and the JRD Holdings Public Infrastructure Improvements in excess of the Reimbursement Amount from the TIF Fund or otherwise.

Except as otherwise provided herein and subject to the limits described above, the City shall pay all monies on deposit in the TIF Fund to or as directed by the Company on the ~~first business day following each May 31 and November 30~~ (each, a "Payment Date") until the Costs have been paid in full. Payments for the portion of Costs of the JRD Holdings Public Infrastructure Improvements will be made beginning with the first Payment Date following the satisfaction of the conditions of Section 5 hereof. Subsequent to submission of the first Written Requisition by the Company and contingent upon the City having received funds in the TIF Fund, the City shall pay to Company, within thirty (30) business days following the City's approval of a Written Requisition as provided in Section 5 hereof, the lesser of (i) the approved Costs of the JRD Holdings Public Infrastructure Improvements shown in the Written Requisition, or (ii) the funds in the TIF Fund available to reimburse the Company at that time in accordance with this paragraph. Should insufficient funds be available to reimburse the Company in the TIF Fund at the time of the City's approval of a Written Requisition, then the City shall maintain a record of such unreimbursed amounts, and the City shall pay to Company such amounts within thirty (30) business days after such funds are available in the TIF Fund. The City shall continue to use all Service Payments received by the City from the Trumbull County Auditor and deposited in the TIF Fund to pay the Company until the Reimbursement Amount is paid in full. Upon the payment in full of the Reimbursement Amount and the satisfaction of all amounts due to the Company pursuant to this Agreement, the City may use any monies remaining on deposit in the TIF Fund in accordance with law. The City shall submit to the Company an accounting or record of all amounts paid out of the TIF Fund and all payments made to the Company out of the TIF Fund upon request.

Notwithstanding any other provision of this Agreement, the City's payment obligations hereunder are limited to the monies in the TIF Fund and do not constitute an indebtedness of the City within the provisions and limitations of the laws and the Constitution of the State of Ohio, and the Company does not have the right to have taxes or excises levied by the City for the payment of the Costs and interest thereon.

Section 5. Approval of Costs of JRD Holdings Public Infrastructure Improvements. The City shall reimburse to the Company the actual Costs of the JRD Holdings Public Infrastructure Improvements incurred by or on behalf of the Company according to one or more written requisitions submitted by the Company to the City in substantially in the form attached as Exhibit

C (a "Written Requisition"). Except as otherwise provided in an agreement entered into between the Company and the City under Section 14 hereof, the Company may submit up to four (4) Written Requisitions per calendar year. The City's obligation to make payments to the Company for Costs of the JRD Holdings Public Infrastructure Improvements shall commence with respect to a particular Cost of JRD Holdings Public Infrastructure Improvements when the City approves a Written Requisition for such Cost. The City shall approve a Written Requisition if the following conditions have been met:

(a) The Company has provided to the City a Written Requisition substantially in the form attached hereto as Exhibit C and the City's Auditor has determined that the amounts on that Written Requisition are properly payable under the TIF Ordinance and this Agreement, which approval shall not be unreasonably withheld; and

(b) The work associated with the Written Requisition has been done in material conformance with all City-approved specifications and plans for that work, as determined by the City Engineer or other designated agent of the City.

The Company may request a written determination from the City in advance of incurring any expenditure for any JRD Holdings Public Infrastructure Improvements that, upon making those expenditures and documenting those expenditures to the reasonable satisfaction of the City, those expenditures will be properly payable under the TIF Ordinance and this Agreement. Any request made pursuant to this provision shall not be unreasonably denied by the City, and the City shall make a determination on each request within fifteen (15) business days of receiving that request. The City shall not reject any portion of the Costs of JRD Holdings Public Infrastructure Improvements identified on a Written Requisition on the basis that those Costs are not properly payable under the TIF Ordinance and this Agreement if the City has made a prior written determination that those Costs are properly payable pursuant to this provision. The Auditor shall act for the City under this paragraph.

Section 6. City Covenant Not to Divert TIF Funds. The City covenants that it will not agree or consent to any amendment, modification or change to the TIF Ordinance or this Agreement without the prior written approval of the Company until the Reimbursement Amount has been paid in full to the Company. Any change to the provisions of Section 4 hereof or to the distribution of Service Payments deposited in the TIF Fund shall be approved by the Company and the City in an amendment to this Agreement.

Section 7. Certain Representations and Warranties of City. The City represents and warrants as of the date of delivery of this Agreement that:

(a) It is a municipal corporation and political subdivision duly organized and validly existing under the Constitution and laws of the State of Ohio.

(b) It will have duly accomplished all conditions necessary to be accomplished by it prior to the execution and delivery of this Agreement and to constitute this Agreement as a valid and binding obligation of the City enforceable in accordance with its terms.

(c) It is not in violation of or in conflict with any provision of the laws of the State or of the United States of America applicable to the City that would impair its ability to observe and perform its covenants, agreements and obligations under this Agreement, nor will its execution, delivery and performance of this Agreement (i) result in such a

violation or conflict or (ii) conflict with or result in any breach of any provisions of any other agreement or instrument to which the City is a party or by which it may be bound.

(d) It has and will have full power and authority (a) to execute, deliver, observe and perform this Agreement and all other instruments and documents executed and delivered by it in connection herewith and (b) to enter into, observe and perform the transactions contemplated by this Agreement and those other instruments and documents.

(e) It has or will have duly authorized the execution, delivery, observance and performance of this Agreement.

(f) The TIF Ordinance has been duly passed by the City, has not been amended, modified or repealed, and is in full force and effect.

(g) It will deposit into the TIF Fund all Service Payments received by it and all Property Tax Rollback Payments made with respect to the Parcels in the District and any investment earnings on that money or other amounts held in the TIF Fund.

(h) It will not amend, modify or repeal the TIF Ordinance in any way or pass any other legislation or take any action that would affect the amount of Service Payments and Property Tax Rollback Payments deposited into the TIF Fund except as approved by the Company or required by law.

(i) It will not transfer, encumber, spend or use any monies on deposit in the TIF Fund other than as provided in this Agreement.

(j) There is no litigation pending or to its knowledge threatened against or by City wherein an unfavorable ruling or decision would materially and adversely affect City's ability to carry out its obligations under this Agreement.

Section 8. Certain Representations and Warranties of the Company. The Company hereby represents and warrants as of the date of delivery of this Agreement that:

(a) It is a corporation duly organized, validly existing and in full force and effect under the laws of the State of Ohio, and (ii) has all requisite power and authority and all necessary licenses and permits to own and operate its properties and to carry on its business as now being conducted and as presently proposed to be conducted.

(b) It has the authority and power to execute and deliver this Agreement, perform its obligations hereunder and construct or cause to be constructed the Improvements, and it has duly executed and delivered this Agreement. The Company is a party to a written contract to purchase the real property that is located within the District, and such written contract remains effective on the date of this Agreement.

(c) The execution and delivery by it of this Agreement and the compliance by it with all of the provisions hereof (i) will not conflict with or result in any breach of any of the provisions of, or constitute a default under, any agreement, its articles of organization or operating agreement, or other instrument to which it is a party or by which it may be bound, or any license, judgment, decree, law, statute, order, rule or regulation of any court

or governmental agency or body having jurisdiction over it or any of its activities or properties, and (ii) have been duly authorized by all necessary action on its part.

(d) There are no actions, suits, proceedings, inquiries or investigations pending, or to its knowledge threatened, against or affecting it in any court or before any governmental authority or arbitration board or tribunal that challenges the validity or enforceability of, or seeks to enjoin performance of, this Agreement or the construction of the Improvements, or if successful would materially impair its ability to perform its obligations under this Agreement or to construct or cause to be constructed the Improvements.

(e) It is in compliance with State of Ohio campaign financing laws contained in O.R.C. Chapter 3517 and is not subject to an unresolved finding for recovery issued by the Auditor of State as described in O.R.C. Section 9.24.

Section 9. Provision of Information. The Company, as Owner, agrees for itself and each successive Owner to (i) cooperate in all reasonable ways with, and provide necessary and reasonable information to, the designated tax incentive review council to enable that tax incentive review council to review and determine annually during the term of this Agreement the compliance of the Owners with the terms of this Agreement; and (ii) to cooperate in all reasonable ways with, and provide necessary and reasonable information to the City to enable the City to submit the status report required by O.R.C. Section 5709.40(I) to the Director of the Ohio Development Services Agency on or before March 31 of each year.

Section 10. Nondiscriminatory Hiring Policy. The Company and the Owners agree to comply with the City's nondiscriminatory hiring policy adopted pursuant to O.R.C. Section 5709.832 to ensure that recipients of tax exemptions practice nondiscriminatory hiring in their operations. The City will provide a copy of that policy and any updates to that policy to the Company and each Owner upon request. In furtherance of that policy, the Company agrees that it will not deny any individual employment solely on the basis of race, religion, sex, disability, color, national origin or ancestry.

Section 11. Prevailing Wage. The Company and the City acknowledge and agree that the construction of JRD Holdings Public Infrastructure Improvements owned or to be owned by the City or another "public authority" (as defined in O.R.C. Section 4115.03(A)) and paid for or reimbursed with Service Payments disbursed to the Company out of the TIF Fund for Phase I in an amount of \$336,100.00 were completed prior to any agreement between the City and Company and therefore are exempt from the prevailing wage requirements of O.R.C. Chapter 4115. Company and City acknowledge and agree that any additional Public Infrastructure Improvements, including any Public Infrastructure Improvements for Phase II, and all wages paid to laborers and mechanics employed to construct such additional JRD Public Infrastructure Improvements must be paid at not less than the prevailing rates of wages of laborers and mechanics for the classes of work called for by such JRD Holdings Public Infrastructure Improvements, which wages must be determined in accordance with the requirements of that Chapter 4115. The City and the Company have or will comply, and the Company has or will require compliance by all contractors working on any future JRD Holdings Public Infrastructure Improvements owned or to be owned by the City or another public authority and paid for or reimbursed with Service Payments disbursed to the Company out of the TIF Fund, with all applicable requirements of that Chapter 4115, including,

without limitation, (i) obtaining the determination required by that Chapter 4115 of the prevailing rates of wages to be paid for all classes of work called for by such JRD Holdings Public Infrastructure Improvements, (ii) obtaining the designation of a prevailing wage coordinator for such JRD Holdings Public Infrastructure Improvements, and (iii) ensuring that all subcontractors receive notification of changes in prevailing wage rates as required by that Chapter 4115.

Section 12. Estoppel Certificate. Within thirty (30) days after a request from the Company or any Owner of a Parcel, the City will execute and deliver to the Company or Owner or any proposed purchaser, mortgagee or lessee of that Parcel, a certificate stating that, with respect to that Parcel, if the same is true: (i) this Agreement is in full force and effect; (ii) the requesting Company or Owner is not in default under any of the terms, covenants or conditions of this Agreement, or, if the Company or Owner is in default, specifying such default; and (iii) such other matters as the Company or Owner reasonably requests.

Section 13. Notices. Except as otherwise specifically set forth in this Agreement, all notices, demands, requests, consents or approvals given, required or permitted to be given hereunder must be in writing and will be deemed sufficiently given if actually received or if hand-delivered or sent by recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other party at the address set forth in this Agreement or any addendum to or counterpart of this Agreement, or to such other address as the recipient has previously notified the sender of in writing, and will be deemed received upon actual receipt, unless sent by certified mail, in which event such notice will be deemed to have been received when the return receipt is signed or refused. The parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices, certificates, requests or other communications must be sent. The present addresses of the parties follow:

- (a) To the City: City of Niles  
34 W State St  
Niles Oh 44446  
Attention: Law Director
  
- (b) To the Company: JRD Holdings Partnership  
304 Vienna Ave  
Niles Oh 44446

Section 14. Successors; Assignment; Amendments; City Consents. This Agreement is binding upon the parties hereto and their successors and assigns. The City and the Company may only assign this Agreement with the consent of the other, which consent shall not be unreasonably withheld; provided, however, that the Company may, without the consent of the City, assign its rights under this Agreement for the purpose of obtaining financing (including any refinancing) for the JRD Holdings Public Infrastructure Improvements or the Improvements, as long as such an assignment provides that the Company remain liable for all its obligations under this Agreement, and the City will cooperate with any reasonable assignment request in connection with that financing (or refinancing). The City agrees upon request in connection with that financing (or refinancing) to consent to any assignment by the Company of the Company's right to receive payment from the TIF Fund under the terms of this Agreement. Nothing in this Agreement prevents an Owner from transferring any or all of its interest in one or more Parcels to another person or entity. This Agreement may only be amended by written instrument executed by all parties to this Agreement. Any consent of the City to be given under this Agreement may be given by the Auditor and must be given in writing.

Section 15. Extent of Covenants: No Personal Liability. All covenants, stipulations, obligations and agreements of the parties contained in this Agreement are effective and enforceable to the extent authorized and permitted by applicable law. The obligations of the City may be enforced to the extent permitted by law by mandamus or any suit or proceeding in law or equity. No such covenant, stipulation, obligation or agreement will be deemed a covenant, stipulation, obligation or agreement of any present or future member, officer, agent or employee of any of the parties hereto in their individual capacity. Neither the City, the members of the City Council nor any City official executing this Agreement, or any individual person executing this Agreement on behalf of the Company, will be liable personally by reason of the covenants, stipulations, obligations or agreements of the City or the Company contained in this Agreement. The obligation to perform and observe the agreements contained herein on the part of the Company shall be binding and enforceable by the City against the Company with respect to (and only to) the Company's interest in its portion of the Parcels and the Improvement, or any parts thereof or any interest therein.

Section 16. Events of Default and Remedies.

(a) Any one or more of the following constitutes an "Event of Default" under this Agreement:

(i) The City fails to make any payment as required under this Agreement;

(ii) The Company or the City fails to perform or observe any material obligation punctually and as due under this Agreement, provided that if a Force Majeure (as such term is defined below) event causes the failure, the Company or City may receive an additional period of time as is reasonably necessary to perform or observe the material obligation in light of the event if it notifies the other of the potential event and the extent of the delay promptly after becoming aware of the event;

(iii) The Company or the City makes a representation or warranty in this

Agreement that is materially false or misleading at the time it is made;

(iv) The Company files a petition for the appointment of a receiver or a trustee with respect to it or any of its property;

(v) The Company makes a general assignment for the benefit of creditors;

(vi) A court enters an order for relief pursuant to any Chapter of Title 11 of the U.S. Code, as the same may be amended from time to time, with the Company as debtor; or

(vii) The Company files an insolvency proceeding with respect to itself or any proceeding with respect to itself for compromise, adjustment or other relief under the laws of any country or state relating to the relief of debtors.

As used in this Section, "Force Majeure" means any event that is not within the control of a party or its affiliates, employees, contractors, subcontractors or material suppliers that delays performance of any obligation under this Agreement including, but not limited to, the following acts: acts of God; fires; epidemics; landslides; floods; strikes; lockouts or other industrial disturbances; acts of public enemies; acts or orders of any kind of any governmental authority; insurrections; riots; civil disturbances; arrests; explosions; breakage or malfunctions of or accidents to machinery, transmission pipes or canals; partial or entire failures of utilities; shortages of labor, materials, supplies or transportation; lightning, earthquakes, hurricanes, tornadoes, storms or droughts; periods of unusually inclement weather or excessive precipitation; or orders or restraints of any kind of the government of the United States or of the State (and in the case of a Force Majeure claim by the Company, the City or any departments, agencies, political subdivisions or officials that are not in response to a violation of law or regulations). However, the inability of the City to make any payment required under this Agreement and the inability of the Company to obtain financing for its obligations hereunder are excluded from being a Force Majeure event.

(b) General Right to Cure. In the event of any Event of Default in or breach of this Agreement, or any of its terms or conditions, by any party hereto, the defaulting party will, upon written notice from the other, proceed, as soon as reasonably possible, to cure or remedy such Event of Default or breach, and, in any event, within thirty (30) days after receipt of such notice. In the event such Event of Default or breach is of such nature that it cannot be cured or remedied within said thirty (30) day period, then in such event the defaulting party will upon written notice from the other commence its actions to cure or remedy said breach within said thirty (30) day period, and proceed diligently thereafter to cure or remedy said breach.

(c) Remedies. If a defaulting party fails to cure any Event of Default pursuant to paragraph (b) of this Section, a party may institute such proceedings against the defaulting party as may be necessary or desirable in its opinion to cure and remedy such default or breach. Such remedies include, but are not limited to: (i) instituting proceedings to compel specific performance by the defaulting party, (ii) suspending or terminating the obligations of the non-defaulting party under this Agreement, provided the aggrieved party must provide thirty (30) days' notice of any termination to the defaulting party and provided further that the aggrieved party must rescind the termination notice and not terminate the Agreement if the defaulting party cures all Events of Default within a reasonable time thereafter, and (iii)

any other rights and remedies available at law, in equity or otherwise to collect all amounts then becoming due or to enforce the performance of any obligation under this Agreement. The obligations of the City may be enforced to the extent permitted by law by mandamus or any suit or proceeding in law or equity.

Section 17. Mutual Dependency and Severability. All material rights and duties contained in this Agreement are mutually interdependent and one cannot exist independent of another; provided, that if any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision was not contained herein. Furthermore, in lieu of such illegal, invalid or unenforceable provision, there will be added automatically as a part of this Agreement a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible that is and will be legal, valid and enforceable.

Section 18. Separate Counterparts; Captions. This Agreement may be executed by the parties hereto in one or more counterparts or duplicate signature pages, each of which when so executed and delivered will be an original, with the same force and effect as if all required signatures were contained in a single original instrument. Any one or more of such counterparts or duplicate signature pages may be removed from any one or more original copies of this Agreement and annexed to other counterparts or duplicate signature pages to form a completely executed original instrument. Captions have been provided herein for the convenience of the reader and shall not affect the construction of this Agreement.

Section 19. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the matters covered herein and supersedes prior agreements and understandings between the parties.

Section 20. Governing Law and Choice of Forum. This Agreement will be governed by and construed in accordance with the laws of the State of Ohio. All claims, counterclaims, disputes and other matters in question among the City, its employees, contractors, subcontractors and agents, and the Company, its employees, contractors, subcontractors and agents arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within the County of Trumbull, State of Ohio.

Section 21. Additional Documents. The City, the Company and their respective successors, assigns and transferees agree to execute any further agreements, documents, or instruments as may be reasonably necessary to fully effectuate the purpose and intent of this Agreement.

Section 22. Legislative Discretion. The Company acknowledges and agrees that adoption of future TIF Ordinances and creation of future Incentive Districts referenced within this Agreement are legislative matters subject by law to the discretion of the Council of the City of Niles.

**IN WITNESS WHEREOF**, the City and the Company have caused this Agreement to be executed in their respective names by their duly authorized officers as of the date hereinabove written.

CITY OF NILES

By:\_\_\_\_\_

Printed:\_\_\_\_\_

Title:\_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Law Director City of  
Niles

JRD HOLDINGS PARTNERSHIP

By:\_\_\_\_\_

Printed:-----

Title:-----

## AUDITOR'S CERTIFICATE

As Auditor for the City of Niles, I hereby certify that funds sufficient to meet the obligations of the City under the foregoing Agreement have been lawfully appropriated for the purposes thereof and are available in the treasury, and/or upon implementation of the processes under O.R.C. Sections 5709.40, 5709.42 and 5709.43, are in the process of collection to the credit of an appropriate fund, free from any previous encumbrance. This Certificate is given in compliance with O.R.C. Sections 5705.41 and 5705.44.

Dated: \_\_\_\_\_20\_\_\_\_

\_\_\_\_\_  
City of Niles, Ohio Auditor

EXHIBIT A

MAP(S) OF TIF  
DISTRICT(S)

A-1

## EXHIBIT B

### PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consist of any "public infrastructure improvement" defined under Section 5709.40(A)(7) of the Ohio Revised Code and that directly benefits or serves parcels in the District and any of the following improvements that will benefit or serve parcels in the District and all related costs of those permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code):

- **Roadways.** Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto;
- **Streetscape/Landscape.** Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described in "Roadways" above;
- **Water/Sewer.** Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto, including without limitation the following:
- **Stormwater.** Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare, including without limitation the following:

- **Real Estate.** Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing improvements or (b) in aid of industry, commerce, distribution or research; and
- **Professional Services.** Engineering, consulting, legal, administrative, and other professional services associated with the planning, design, acquisition, construction and installation of the foregoing improvements and real estate.

Pursuant to the terms and conditions of this TIF Agreement, the Company has constructed or shall construct certain of these Public Infrastructure Improvements (hereinafter referred to as the "JRD Holdings Public Infrastructure Improvements"). The JRD Holdings Public Infrastructure Improvements specifically include the improvements described below and all related costs of those permanent improvements (including, but not limited to, those costs listed in O.R.C. Section 133.15(B)):

## EXHIBIT C

### FORM OF WRITTEN REQUISITION

(For Costs of JRD Holdings Public Infrastructure

Improvements) To: The City of Niles, Ohio

Attention: Auditor City of Niles, Ohio

Subject: Request for Reimbursement for Costs of JRD Holdings Public Infrastructure Improvements pursuant to the terms of the Tax Increment Financing Agreement dated \_\_, 20\_\_ (the "Agreement"), by and between the CITY OF NILES, OHIO, and JRD HOLDINGS PARTNERSHIP (the "Company").

You are hereby requested to approve the amount of \$\_\_\_\_\_ as Costs of JRD Holdings Public Infrastructure Improvements for the purposes set forth in Item I attached hereto. Unless otherwise defined herein, all capitalized terms set forth but not defined in this Written Requisition have the respective meanings assigned to them in the Agreement.

The undersigned authorized representative of the Company does hereby certify on behalf of the Company that:

- (i) I have read the Agreement and definitions relating thereto and have reviewed appropriate records and documents relating to the matters covered by this Written Requisition;
- (ii) The disbursement herein requested is for an obligation properly incurred, is a proper charge as a Cost of JRD Holdings Public Infrastructure Improvements (as defined in the Agreement), and has not been the basis of any previous reimbursement request;
- (iii) The Company is in material compliance with all provisions and requirements of the Agreement;
- (iv) The reimbursement requested hereby does not include any amount which is being retained under any holdbacks or retainages provided for in any applicable agreement;
- (v) The Company has, or the appropriate parties on the Company's behalf has, asserted its entitlement to all available manufacturer's warranties to date upon acquisition of possession of or title to the JRD Holdings Public Infrastructure Improvements or any part thereof which warranties have vested in the Company;



EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

\_\_\_\_\_  
By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

ITEM I

Requisition No. \_\_\_\_\_ for the Costs of JRD Holdings Public Infrastructure

Improvements Pay to \_\_\_\_\_

Amount \$ \_ \_ \_ \_ \_

For Account of:

Account Number:

Wiring Instructions:

For the purpose of reimbursing the following payments previously paid by the Company for the Costs of JRD Holdings Public Infrastructure Improvements:

| Name of Vendor | Service Rendered | Time Period | Cost of Service Rendered |
|----------------|------------------|-------------|--------------------------|
|----------------|------------------|-------------|--------------------------|

1.

2.

4819-5359-6207, v. I



# City of Niles, Ohio

SPONSORED BY: SAFETY COMMITTEE  
AUTHORIZED BY: ALL MEMBERS

---

DRAFT NO. 67-26

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE NILES ZONING CODE; AND, DECLARING AN EMERGENCY.

WHEREAS, the City of Niles, Ohio, through a collaborative process between its residents, Planning Commission, and City Council, produced and formally adopted the 2024 Niles Comprehensive Plan, setting forth a vision for the City’s future land use, economic development, and quality of life; and

WHEREAS, the said 2024 Niles Comprehensive Plan identified changes to the Planning and Zoning Code to better achieve housing affordability and diversity; and

WHEREAS, the City has established a priority to update the antiquated Code with pro-housing policy that encourages infill development, diverse housing types, and affordability; and

WHEREAS, the City’s current Planning and Zoning Code was originally adopted 64 years ago (1962) and has been subject to countless piecemeal amendments and modifications over the years, which no longer reflects current homebuilding economics or the makeup of modern American households; and

WHEREAS, in July 2025, the City of Niles, Ohio, was awarded a \$50,000 Housing Technical Assistance Grant from the Ohio Department of Development to overhaul the city’s zoning code to better address housing shortages, create mixed-use opportunities, and retain current residents and attract new residents to the city;

WHEREAS, in accordance with a grant award, the City contracted with Zone Co. to review and recommend zoning changes. These recommendations are attached as Exhibit A; and

WHEREAS, in compliance with Niles Codified Ordinance (NCO) 1117.02 and NCO 1117.03, the proposed changes were submitted to the Planning Commission for review; and

WHEREAS, the planning commission held a public meeting on March 25, 2026 and recommended the proposed amendment be granted; and

WHEREAS, the recommendation from the planning commission regarding the proposed amendment was presented to Council on April 1, 2026; and

WHEREAS, pursuant to NCO 117.04, upon receipt of the recommendations from the planning commission, Council scheduled a public hearing on May 6, 2026, prior to the scheduled regular Council meeting; and

WHEREAS, in compliance with NCO 1117.05, Council desires to accept the recommendations of the planning commission and approve the zoning amendment.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION ONE: Council hereby accepts the recommendation of the planning commission.

SECTION TWO: That the zoning ordinances and zoning map of the City of Niles, Ohio, be and hereby are amended to incorporate the changes set forth herein and in accordance with the planning commission recommendations.

SECTION THREE: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the reason that the zoning code amendments can take effect at the earliest time allowable. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

**PART ELEVEN - PLANNING AND ZONING CODE**

TITLE ONE - ZONING ADMINISTRATION

TITLE THREE - ZONING DISTRICTS AND REGULATIONS

TITLE FIVE - SUBDIVISION CONTROL

**TITLE ONE - ZONING ADMINISTRATION**

Chapter 1101 General Provisions

Chapter 1105 Definitions

Chapter 1106 Measurements and Dimensional Standards

Chapter 1109 Administration And Enforcement

Chapter 1113 Board Of Zoning Appeals

Chapter 1117 Amendments

Chapter 1121 ~~Nonconformities~~ Nonconforming Uses

Field Code Changed

## Chapter 1101 General Provisions

### 1101.01 Maps

### 1101.02 Confirmation Of Prior Ordinances

### ~~1131.04~~ 1101.03 Conformity To Regulations

CROSS REFERENCES Zoning of annexed areas - see Ohio R. C. 303.25, 519.18 Council may amend districting or zoning - see Ohio R. C. 713.10 Basis of districts - see Ohio R. C. 713.10 Appeals - see Ohio R. C. 713.11, Ch. 2506

#### 1101.01 Maps

The Zoning Map, Building Setback Map, and description thereof set forth in original Ordinance 6845 as amended to the date hereof (December 2, 1970), is herein amended by the Maps made a part of amendatory Ordinance 9201, passed December 30, 1963 and Ordinance 9371 passed May 18, 1966. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB1]:** 1101.01 **Recommendation:** Revise to refer to date of new zoning map with housing districts **Reason:** legal defensibility

#### 1101.02 Confirmation Of Prior Ordinances

All other sections and provisions contained in original Ordinance 6845 are as herein confirmed and ratified subject to the amendments as set forth in amendatory Ordinances 9201 and 9371, and in this Zoning Ordinance 9826-70. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB2]:** 1101.02 **Recommendation:** Revise to refer to ordinances amended per housing goals **Reason:** Legal defensibility

### ~~1131.04~~ 1101.03 Conformity To Regulations

Except as hereinafter provided, no building, structure or premises shall be used so as to produce greater heights, smaller yards or less unoccupied area and no building shall be occupied by more families than hereinafter required for such building for the district in which it is located. No lot which is now or may be hereafter improved shall be smaller than prescribed by this Zoning Ordinance; and no yard, ~~court~~ or open space provided about any building as shown on the plat thereof, accompanying the application for a building permit for the purpose of complying with the provisions hereof, shall again be used as a yard; ~~court~~ or other open space for another building. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB3]:** 1131.04 **Recommendation:** Move to new 1101.03, as this is a general requirement applicable to all parcels in the community **Reason:** Coordination

**Commented [NN4R3]:** Yes, I agree with this move.

## Chapter 1105 Definitions

1105.01 Generally

1105.02 Accessory Dwelling Unit

1105.03 Accessory Use Or Building

1105.04 Alley

1105.05 Condominium Development

1105.06 Cottage Cluster

~~1105.04 Court~~

1105.07 Duplex

1105.08 Dwelling Unit

1105.09 Five-plex

1105.10 Four-plex

1105.11 Garage

~~1105.11 Group Residential Development~~

~~1105.07 Half Story~~

~~1105.08 Height Of Building~~

1105.12 Infill Lot

~~1105.09 Lot~~

1105.13 Manufactured Home

1105.14 Mobile Home

1105.15 Modular Home

1105.16 Multi-unit Dwelling

1105.17 Nonconforming Structure

1105.18 Nonconforming Use

1105.19 Plat

1105.20 Primary Dwelling

1105.21 Public Utility

1105.22 Right-of-way

~~1105.12 Setback Line~~

1105.23 Six-plex

1105.24 Street

1105.25 Subdivision

1105.26 Townhomes

1105.27 Triplex

~~1105.14 Yards~~

1105.28 Zoning Ordinance

**Commented [TB5]: 1105 Recommendation:**  
Update with new definitions to clarify new housin...

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CROSS REFERENCES ~~Plat and subdivision defined - see Ohio R. C. 711.001 General Code definitions - see ADM. 101.02 Floor area defined - see P. & Z. 1153.01 For Measurements and Dimensional Standards, see Chapter 1106.~~

#### **1105.01 Generally**

1. 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 "building" includes the word "structure" and shall also include fences, tents, lunch wagons, dining cars, camp cars or other structures or vehicles on wheels or other supports and used for business or living purposes. The word "shall" is mandatory and not directory.
2. For the purposes of this Zoning Ordinance, certain words and terms are defined as follows. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB6]:** 1105.01 No change, not related to housing

#### **1105.02 Accessory Dwelling Unit**

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"Accessory Dwelling Unit" means a secondary dwelling unit that is:

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- o on the same lot, parcel, or tract as a primary single-family detached dwelling unit and
- o not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit.

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#### **1105.03 Accessory Use Or Building**

"Accessory use or building" means a subordinate use or building customarily incident to and located on the same lot with the main use or building. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB7]:** 1105.02 No change recommended

#### **1105.04 Alley**

"Alley" means a narrow thoroughfare upon which abuts, generally the rear of premises and which is not more than twenty feet wide. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB8]:** 1105.03 No change recommended

#### **1105.05 Condominium Development**

"Condominium Development" means a condominium development as defined and regulated by the Ohio Revised Code.

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#### **1105.06 Cottage Cluster**

“Cottage Cluster” means a grouping of not fewer than four detached dwellings per acre on a single lot of record that:

- (1) Have a footprint of less than 900 square feet each; and
- (2) Include a common courtyard.

**1105.04 Court**

“Court” means an open, unoccupied unobstructed space other than a yard, on the same lot as a building:

- 1. “Outer Court” means a court extending to a street or to a front or rear yard.
- 2. “Inner Court” means a court not extending to a street or to a front or rear yard. (Ord. 9826-70. Passed 12-2-70.)

**1105.07 Duplex**

“Duplex” means a structure containing two dwellings, each occupied by an independent housekeeping unit, such as a family or roommates. The two dwelling units of a duplex are commonly attached either as a side-by-side orientation, a first-floor-and-second-floor orientation, or a front-and-rear orientation. For the purposes of this code, a structure shall be considered a duplex if the continuous structure contains two dwelling units, regardless of whether the structure is fully contained on one lot or whether the structure straddles two separate lots of record.

**1105.08 Dwelling Unit**

“Dwelling Unit” means any house or building or portion thereof containing cooking, bathing, and toilet facilities which is occupied in whole or in part as the home, residence or sleeping place of one or more persons that are part of one housekeeping unit either permanently or transiently. (Ord. 9826-70. Passed 12-2-70.) “Dwelling” includes a permanently sited modular home or a permanently sited manufactured home as defined and regulated by the Ohio Revised Code.

**1105.09 Five-plex**

“Five-plex” means a structure containing five dwellings, each occupied by an independent housekeeping unit, such as a family or roommates. For the purposes of this code, a structure shall be considered a five-plex if the continuous structure contains five dwelling units, regardless of whether the structure is fully contained on one lot or whether

**Commented [TB9]: 1105.04:**  
See [1141.05 Yards Required](#) #3 - Courts  
**Recommendation:** eliminate 1105.04  
**Reason:** no longer needed due to current building codes and technology

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**Commented [TB10]: 1105.05**  
**Recommendation:** Expand definition to include manufactured housing and modular housing  
**Rationale:** Manufactured and Modular housing are more affordable housing structures, and suitable options for infill lots, furthering housing goals.

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the structure straddles two, three, four, or five separate lots of record. Townhomes in a row of exactly five units shall be considered units of a five-plex.

#### **1105.10 Four-plex**

“Four-plex” means a structure containing four dwellings, each occupied by an independent housekeeping unit, such as a family or roommates. For the purposes of this code, a structure shall be considered a four-plex if the continuous structure contains four dwelling units, regardless of whether the structure is fully contained on one lot or whether the structure straddles two, three, or four separate lots of record. Townhomes in a row of exactly four units shall be considered units of a four-plex.

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#### **1105.11 Garage**

1. "Private Garage" means a building or space used as an accessory to a dwelling main building permitted in a single family residence district or in a general residence district and providing provides for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.
2. "Public Garage" means any garage other than a private garage for the storage of motor vehicles at which repairs on any kind of motor vehicle are permitted or at which the sale of accessories and filling station service is permitted. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB11]:** 1105.06  
**Recommendation:** replace with 'dwelling"  
**Reason:** Clarity

**Commented [BR12R11]:** I am confused by this replacement.

**Commented [TB13R11]:** Definition of "Garage" kept - recommendation above was incorrectly attributed to this definition

#### **1105.061 Group Residential Development**

"Group Residential Development" means the grouping of residential building structures on a lot or tract of land not less than one acre. (Ord. 72-82. Passed 9-1-82.)

**Commented [TB14]:** 1105.061  
**Recommendation:** Change definition to "Condominium Development" to clarify  
**Reason:** Clarity

**Commented [TB15R14]:** Deleted, see definition of "Condominium"

#### **1105.07 Half Story**

"Half story" means a story which is situated under a sloping roof, the floor area of which does not exceed one half the floor area of the floor immediately below it. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB16]:** 1105.07  
**Recommendation:** Move to new **Dimensional Standards and Measurements** section  
**Reason:** Clarity

**Commented [TB17R16]:** Delete "Half-story"? Currently this term is only used once in the RA District - may not be needed

#### **1105.08 Height Of Building**

"Height of building" means the vertical distance from the established sidewalk grade at the center of the front of the building to the highest point of the roof surface if a flat roof; to the deck line for mansard roofs and to the mean height level between eaves and ridges for gabled, hip and gambrel roofs. For buildings set back from the street line height of building

**Commented [TB18]:** 1105.08  
**Recommendation:** Move to new **Dimensional Standards and Measurements** section  
**Reason:** Clarity

**Commented [TB19R18]:** Moved

may be measured from the average elevation of the finished grade along the front of the building. (Ord. 9826-70. Passed 12-2-70.)

**1105.12 Infill Lot**

"Infill Lot" means an existing recorded lot that is vacant and adjacent to lots improved with a primary use.

**1105.09 Lot**

"Lot" means a piece of parcel of land occupied or to be occupied by one main building and its accessory buildings and including the open spaces required under this Zoning Ordinance.

1. ~~Front Lot Line. The front lot line is the line separating the lot from the street. On a corner lot, the owner shall, for the purpose of this Ordinance, have the privilege of electing any street lot line, as the front line provided it is so designated on the building plans filed for approval with the City Building Inspector.~~
2. ~~Rear Lot Line. The lot line opposite and most distant from the front lot line is the rear lot line. The rear lot line on any irregular or triangular lot shall for the purpose of this Ordinance, be a line entirely within the lot, ten feet along and parallel to and most distant from the front lot line.~~
3. ~~Side Lot Line. Any lot line not a front lot line or a rear lot line shall be termed a side lot line. A side lot line separating a lot from a street is a side street lot line. (Ord. 9826-70. Passed 12-2-70.)~~

**1105.13 Manufactured Home**

"Manufactured Home" means a manufactured home as defined and regulated in the Ohio Revised Code.

**1105.14 Mobile Home**

"Mobile Home" means a mobile home as defined and regulated in the Ohio Revised Code.

**1105.15 Modular Home**

**Commented [TB20]:** Leave this in Definitions

**Commented [TB21R20]:** ""Lot" definition MOVED TO Measurements and Dimensional Standards

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**Commented [TB22]: Recommendation:** Provide definition of "Lot Line", and revise Front, Rear and Side lot line definitions for clarity  
**Reason:** To make Zoning Code more clear, defensible, and user-friendly.

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"Modular Home" means a dwelling constructed using factory-built components assembled into a dwelling at the building site by a licensed builder under building standards enforced by state and local agencies.

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**1105.16 Multi-unit Dwelling**

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"Multi-unit Dwelling" means a structure containing seven or dwelling units attached side-by-side along one or more common walls, stacked vertically, or some combination of side-by-side and vertically stacked. For the purposes of this code, a structure shall be considered a multi-unit dwelling if the continuous structure contains seven or more dwelling units, regardless of whether the structure is fully contained on one lot or whether the structure straddles two, three, four, five, six, seven, or more separate lots of record. Townhomes in a row of more than six units shall be considered units of a multi-unit dwelling.

**1105.17 Nonconforming Use**

"Nonconforming use" means a use of a building or land that does not comply with the provisions of this Zoning Ordinance for the district in which it is located.

**1105.18 Nonconforming Structure**

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"Nonconforming Structure" means a structure that due to its size, height, location on a lot, or other physical characteristics, does not comply with the provision of this Zoning Ordinance for the district in which it is located.

**1105.19 Plat**

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"Plat" is defined in Ohio Revised Code §711.001(A).

Commented [TB23]: 1105.11: No change, not related to housing

**1105.20 Primary Dwelling**

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"Primary Dwelling" means a single-unit detached dwelling that is the principal structure on a single lot of record, and is the larger of the dwellings if there is an accessory dwelling located on the same lot.

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**1105.21 Public Utility**

"Public utility" means public water, light, sewer and telephone facilities. (~~Ord. 9826-70: Passed 12-2-70.~~)

Commented [TB24]: 1105.12: Recommendation: Move to new Dimensional Standards and Measurements section Reason: Clarity

**1105.12 Setback Line**

Commented [TB25R24]: Moved

~~"Setback line" means a line back of the street line between which street line no building or portion thereof, except as provided in this Zoning Ordinance, may be erected above the established sidewalk grade at the center of the front of the building. (Ord. 9826-70. Passed 12-2-70.)~~

**1105.22 Right-of-way**

"Right-of-way" means the area that is legally held in easement or owned by a governmental entity and reserved primarily for transportation use. The right-of-way is typically improved with streets, sidewalks, landscaping, and public utilities. The right-of-way boundaries typically coincide with the front property line of adjoining privately owned property.

**1105.23 Six-plex**

"Six-plex" means a structure containing six dwellings, each occupied by an independent housekeeping unit, such as a family or roommates. For the purposes of this code, a structure shall be considered a six-plex if the continuous structure contains six dwelling units, regardless of whether the structure is fully contained on one lot or whether the structure straddles two, three, four, five, or six separate lots of record. Townhomes in a row of exactly six units shall be considered units of a six-plex.

**1105.24 Street**

"Street" means the paved area designed primarily for vehicular use. The street width is measured to the outside edge of paving or edge of curbing, whichever is greater. ~~a public~~ ~~thoroughfare more than twenty feet wide, provided, however, that any existing thoroughfare less than twenty feet wide, generally known as a street at the time of the effective date of this Zoning Ordinance shall be considered a street for the purpose of this Ordinance. (Ord. 9826-70. Passed 12-2-70.)~~

**1105.25 Subdivision**

"Subdivision" is defined in Ohio Revised Code §711.001(B).

**1105.26 Townhomes**

"Townhomes" means a structure containing four or more dwellings attached side-by-side along a common side wall, with each dwelling being on a single lot of record. Townhomes may fall within the definition of four-plexes, five-plexes, six-plexes, or multi-unit dwellings.

**1105.27 Triplex**

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**Commented [TB26]: 1105.13:**  
**Recommendation:** Revise definition to make clear the difference between "street" and "right-of-way". Provide new definition of "right-of-way"  
**Reason:** Clarity

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“Triplex” means a structure containing three dwellings, each occupied by an independent housekeeping unit, such as a family or roommates. The three dwelling units of a triplex are commonly attached either as a side-by-side orientation, an up-and-down orientation, a front-and-rear orientation, or some combination of those orientations. For the purposes of this code, a structure shall be considered a triplex dwelling if the continuous structure contains three dwelling units, regardless of whether the structure is fully contained on one lot or whether the structure straddles two or three separate lots of record.

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#### 1105.14 Yards

"Yard" means an existing or required open space on the same lot with a building and lying along the adjacent lot line, open, unoccupied and unobstructed from the ground to the sky, except as otherwise provided herein.

**Commented [TB27]: 1105.14**

**Recommendation:** Move to new **Dimensional Standards and Measurements** section. Revise language to make more clear; add definition for "Front Yard"

**Reason:** Clarity

**Commented [TB28R27]:** Moved

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**Commented [TB29]: 1105.15**

**Recommendation:** Update information reflecting current revisions.

**Reason:** Defensibility

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~~1. **Rear Yard.** A space unoccupied, except by a building of accessory use as herein provided, extending for the full width of the lot, between the rear lot line and the extreme rear line of a building.~~

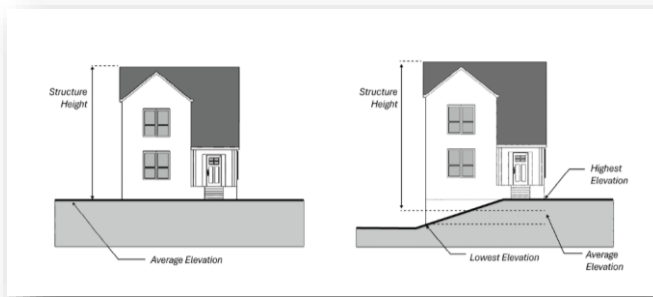
~~2. **Side Yard.** The side yard is the yard along the side line of a lot and extending from the setback line to the rear yard. (Ord. 9826-70. Passed 12-2-70.)~~

#### 1105.28 Zoning Ordinance

"Zoning Ordinance" or "Ordinance" as used herein means Ordinance ~~9826-70~~ passed ~~December 2, 1970~~, as amended, which is codified as Titles One and Three of this Part Eleven - Planning and Zoning Code. (Ord. 9826-70. Passed 12-2-70.)

## **Chapter 1106 Measurements and Dimensional Standards**

**1106.01 Measuring Structure Height.** Structure height shall be measured as the vertical distance between the average elevation of the front lot line and the highest point of the roof. If the average elevation of the ground surface along the front wall of the structure is higher than the average elevation of the front lot line, then height shall be measured from average elevation of the ground surface along the front wall of the structure to the top of the roof or highest portion of the structure.



*Graphic above showing where to measure structure height on flat ground (left) and sloped ground (right).*

## **1106.02 Exceptions to Height Measurements**

1. Any structural components not used for occupancy or storage, such as elevator shafts; water and fire towers; cooling towers; ornamental towers or spires; cupolas; domes and spires; smokestacks or chimneys; conveyors; bell towers or steeples; mechanical equipment; parapet walls not exceeding 4 ft. in height above the roof; solar power equipment; wind turbines; and communication and radio transmission devices may extend above the structure height limit established by the district standards if they conform to the following requirements: No more than one-third of the roof area may be used for fixtures that are mounted on a building's roof.
2. No roof-mounted fixture shall exceed the height limit of the district in which it is located by more than 15 vertical feet, except by a variance approved by the Board of Zoning Appeals. For information on variances, please refer to Article XXXX "Administration and Procedures."

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3. Fixtures mounted on the top of accessory structures may not exceed the accessory structure height requirements unless the accessory structure complies with the required setback from adjacent property lines.

#### **1106.03 Lot Lines and Building Setbacks**

1. **Lot Line.** A lot line is the boundary line that divides one lot from another lot or from a street or any public place.
2. **Front Lot Line.** The front lot line is the edge of the right-of-way dividing a lot from the adjoining public or private street.
3. **Rear Lot Line.** The rear lot line is the lot line which is most opposite the front lot line. Each lot shall have one rear lot line. In the case of a corner lot, the rear lot line is the lot line which is most opposite the shortest front lot line. In the case of an irregular or triangular-shaped lot, the rear lot line is a line 10 feet in length within the lot aligned parallel to and at the maximum distance from the front lot line.
4. **Side Lot Line.** A side lot line is any lot line not considered a front lot line or a rear lot line.

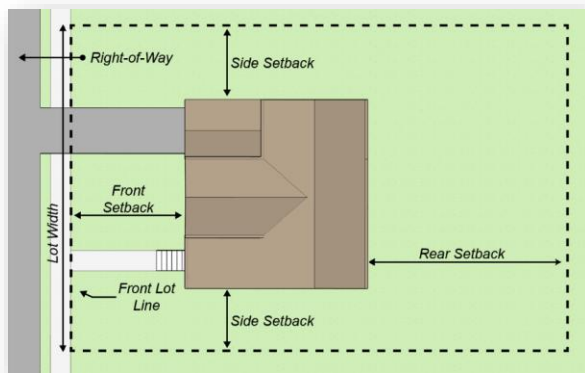


Graphic above showing lot line designations for an interior lot (left) and a corner lot (right).

5. **Front Setback.** A front setback is the shortest horizontal distance between a structure and the edge of the right-of-way. For a corner lot or a double-frontage lot, the front setback shall be measured from a structure and any of the front lot lines.
6. **Side Setback.** A side setback is the shortest horizontal distance between a structure and a side lot line.
7. **Rear Setback.** A rear setback is the shortest horizontal distance between a structure and a rear lot line.
8. **Exceptions to Setbacks.** Certain accessory structures are permitted to encroach into setback areas; these situations are described in Section XXXX.XX "Required Setbacks for Accessory Structures."

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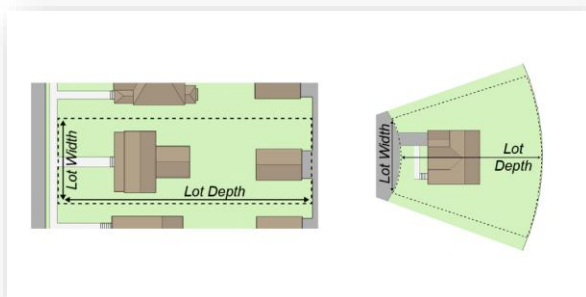


*Graphic above showing lot lines and setbacks.*

9. **Lot Width.** The lot width is the length of a lot's shortest front lot line.
10. **Lot Depth.** The lot depth is the shortest distance between the front lot line and the rear lot line.

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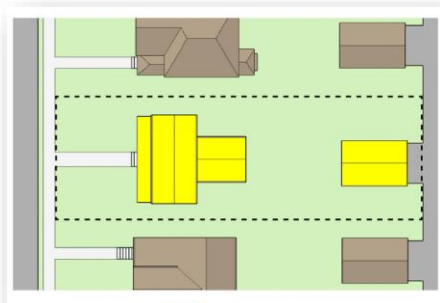
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Graphic showing lot width and lot depth measurements for rectangular lots (left) and irregular lots (right).

#### **1106.04 Defining Lot Area**

The lot area is the area of a horizontal plane bounded by vertical planes extending from the lot lines and not including any area within the right-of-way.

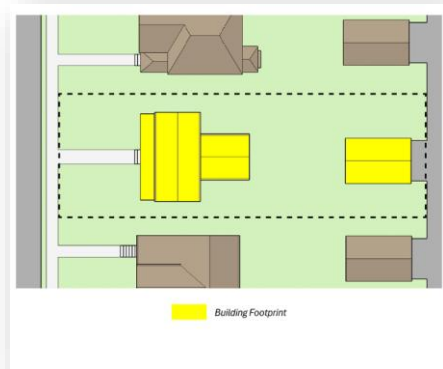


Graphic above showing lot area as all area within the dotted black lines.

#### **1106.05 Defining Building Footprint**

Building footprint is the area of an individual building (as viewed from above, where slope of the land is irrelevant). The building footprint is measured as the area bounded by the exterior face of the building walls. The building footprint shall also include habitable floor

areas that may overhang the footprint of the foundation, such as cantilevered building areas. Building footprint shall also include areas of the building with half-walls, such as porches. Building footprint shall not include roof overhangs, eaves, awnings, canopies, porches having shorter than half walls or no walls, and similar architectural features.

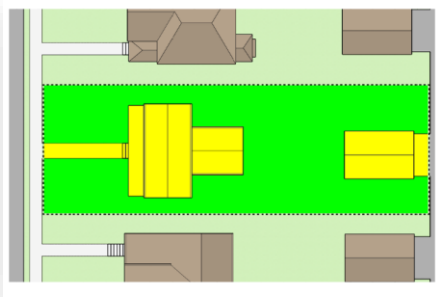


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Graphic showing building footprint (all area in yellow) as the area underneath all buildings on the lot.

#### **1106.06 Defining Impervious Surface Area**

Impervious surface area is the area of a lot (as viewed from above, where slope of the surface is irrelevant) that is covered by impervious surfaces, defined as materials that do not allow for rainwater to infiltrate at a rate similar to bare soil. Impervious surfaces should include all areas paved in asphalt or concrete, rooftops, porches, pools, concrete slabs, sheds, and swimming pools. Impervious surfaces do not include permeable pavement, permeable pavers, gardens, wood or faux-wood decks over bare soil, or green roofs. Impervious surfaces shall include impervious surfaces that overhang soil, such as the area under eaves, canopies, and awnings.



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Graphic above showing impervious surface area as the area of all impervious surfaces, including buildings and paved surfaces (all yellow areas on the subject lot).

#### **1106.07 Defining Impervious Surface Ratio**

Impervious surface ratio is the impervious surface area of a lot divided by the area of the lot. For example, if a lot is 4,000 square feet and has 2,000 square feet of impervious surface area, it would have an impervious surface ratio of 0.5.

## Chapter 1109 Administration and Enforcement

### 1109.01 Building Inspector Enforces; Conformity Required

### 1109.02 Occupancy And Use Permits

### 1109.03 Plat Required With Building Permit Application

### 1109.99 Penalty

CROSS REFERENCES Appeals - see Ohio R. C. 713.11, Ch. 2506 Violation of zoning ordinances - see Ohio R. C. 713.13 Nonconforming uses, retroactive measures - see Ohio R. C. 713.15 Plat requirements - see P. & Z. 1175.03, 1175.04

### 1109.01 Building Inspector Enforces; Conformity Required

1. The Building Inspector shall enforce the provisions of this Planning and Zoning Code~~Zoning Ordinance~~. The City Engineer shall be designated the Building Inspector until such time as Council shall provide otherwise for appointment of a Building Inspector.
2. No permit shall be issued for excavation or for the construction or alteration of any building, structure or part thereof, where the use indicates that the building or use would not conform in all respects with the provisions of this Ordinance. (Ord. 9826-70. Passed 12-2-70.)

### 1109.02 Occupancy And Use Permits

1. No vacant land and no building hereafter erected or altered shall be occupied or used in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use classification or enlarge the use in any building or on any premises without a permit of occupancy and use from the Building Inspector, stating that the use of the building or premises complies with the provisions of this Planning and Zoning Code~~Zoning Ordinance~~.
2. Application for a permit of occupancy and use shall be made with the application for a building permit or may be directly applied for where no building permit is necessary and shall be issued or refused in writing within five days after the Building Inspector has been notified in writing that the building or premises is ready for occupancy.
3. The fee for the zoning permit shall be charged at a rate of twenty-five cents (\$0.25) per square foot, with a minimum fee of twenty-five dollars (\$25.00). The fee for any

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No change, not related to housing

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above ground pool shall be charged at a flat fee of \$50.00. This fee is in addition to any other permit fees required under the Code. (Ord. 14-15. Passed 6-17-15.)

#### HISTORY

*Amended by Ord. 40-19 on 7/10/2019*

#### **1109.03 Plat Required With Building Permit Application**

Each application for a building permit shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the parcel of land to be built upon, the size of the building to be erected, and ~~dimensions from all lot lines to any proposed structures so that the position of the building upon the lot is clearly indicated if necessary~~ to provide for the enforcement of this Zoning Ordinance. (Ord. 9826-70. Passed 12-2-70.)

#### **1109.99 Penalty**

Whoever violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision of this Zoning Ordinance, shall be fined not more than fifty dollars (\$50.00). Each day such violation or failure to comply is permitted to exist after notification thereof, shall constitute a separate offense. (Ord. 9826-70. Passed 12-2-70.)

## Chapter 1113 Board Of Zoning Appeals

1113.01 Planning Commission Acts As Board

1113.02 Appeal Of Building Inspector's Decisions

1113.03 Hearing; Quorum; Majority Vote

1113.04 Notice; Duties Of Board

1113.05 Power To Permit Variances

CROSS REFERENCES Council may amend districting or zoning - see Ohio R. C. 713.10  
Appeals from zoning decisions - see Ohio R. C. 713.11 Nonconforming uses, retroactive measures - see Ohio R. C. 713.15

### 1113.01 Planning Commission Acts As Board

For the purpose of creating an administrative board to administer the details of the application of this Zoning Ordinance, the City Planning Commission is hereby appointed and designated as the Board of Zoning Appeals. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB31]: 1113.01**  
**Recommendation:** No change  
**Reason:** Not related to housing

### 1113.02 Appeal Of Building Inspector's Decisions

1. Any determination by the Building Inspector made in the enforcement of this Zoning Ordinance may be appealed to the Board of Zoning Appeals by any person, firm or corporation deeming himself or itself adversely affected by such decision. (Ord. 9826-70. Passed 12-2-70.)
2. The appeal must be accompanied by the payment of a fee, calculated as follows:
  1. For an issue involving property zoned for one, two or three family dwellings, a fee of one hundred fifty dollars (\$150.00) for the first issue appealed, along with an additional fee of one hundred dollars (\$100.00) for each additional issue appealed;
  2. For an issue involving property that is not zoned for one, two or three family dwellings, two hundred dollars (\$200.00) for the first issue appealed, along with an additional fee of one hundred fifty dollars (\$150.00) for each additional issue appealed. (Ord. 14-15. Passed 6-17-15.)

**Commented [TB32]: 1113.02**  
**Recommendation:** No change  
**Reason:** Not related to housing

### 1113.03 Hearing; Quorum; Majority Vote

No action shall be taken by the Board of Zoning Appeals on any case until after public notice and public hearing. The presence of four members shall constitute a quorum and

**Commented [TB33]: 1113.03**  
**Recommendation:** No change  
**Reason:** Not related to housing

the concurring vote of the majority of such members present shall be necessary to reverse or modify any order, requirement or decision of the Building Inspector or to decide in favor of the appellant on any matter upon which the Board is required to pass or to effect any variation or interpretation of this Zoning Ordinance. (Ord. 9826-70. Passed 12-2-70.)

#### **1113.04 Notice; Duties Of Board**

1. Proper notice of a hearing before the Board of Zoning Appeals shall be a legal notice published in a newspaper of general circulation in the City at least ten days before the date set for a public hearing. A written notice of the hearing shall be mailed by 1st class mail to the Appellant at the address given on the appeal application, and to directly affected property owners or their agents at least ten working days prior to the date set for such hearing. "Directly affected property owners" means all contiguous property owners and all owners of properties on the opposite side of the street and owners of property facing on the same side of the street as the applicant's property, but within 300 feet from the applicant's property lines.
2. The Board of Zoning Appeals shall have such duties and powers as are set forth in the various sections of this Zoning Ordinance. The Board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this section. It shall hear and decide all questions brought before it by appeal from the refusal, granting or revocation of permits of the Building Inspector under the provisions of this section. It shall also hear and decide all matters referred to it or upon which it is required to pass under this section. Within its powers, the Board may reverse or affirm, wholly or in part or modify the order, requirement, decision or determination as in its opinion ought to be done under the circumstances and shall have all the powers of the officer from whom the appeal is taken and it may issue or direct the issuance of a permit. (Ord. 55-94. Passed 11-16-94.)

**Commented [TB34]: 1113.04**  
**Recommendation:** No change  
**Reason:** Not related to housing

#### **1113.05 Power To Permit Variances**

The Board of Zoning Appeals shall have the power to permit exceptions to and variations from the regulations as follows:

1. Permit the extension of an existing building or use into a more restricted district under such conditions as will safeguard the character of the more restricted district.
2. Grant a permit in any district for a temporary building of use incidental to the development of any building or use in any such district, such permit to be issued for a period of not more than two years.

**Commented [TB35]: 1113.05**  
**Recommendation:** Revise as noted below  
**Reason:** see below

3. Grant a permit for the erection and use of public utility facilities as defined in Section 1105.11 in an R-A Residence District or in an R-B Residence District, subject to such conditions and safeguards as will protect the character of the residence district.
4. Grant a permit in an Industrial District for a building or use otherwise excluded from such district, provided such building or use is distinctly incidental and essential to the use of a building or plant with a series of buildings permitted in such district, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
5. Permit the use of a nonconforming building or portion thereof which has been vacant or unoccupied for a continuous period of one year or more than that permitted in the district in which such nonconforming building is located.
6. Issue an occupancy permit for the taking of boarders or leasing of rooms by any resident family in excess of the limitations imposed by ordinance, subject to such conditions as the Board may impose and so as to protect the character of the residence district.
7. Apply the provisions of this Zoning Ordinance in such a way as to carry out the true intent and purpose where the lot, street or alley layout on the ground differs from the layout shown on the Building Zone Map.
8. Permit the use of any lot on record at the time of the effective date of this Ordinance where, because of the size or arrangement of such lot, a practical difficulty exists in complying with the open space requirements of this Ordinance, subject to such stipulations or conditions as the Board may impose.
9. Permit in newly annexed areas a variation in the residence district requirements prior to the adoption of a zoning plan as provided in Section 1157.06. (Ord. 9826-70. Passed 12-2-70.)
10. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this Ordinance, and in the case of applications for persons to conduct customary home occupation or professions in a residential district, the Board of Zoning Appeals shall have the power in a specific case to vary the application of any such profession in harmony with the general purpose and intent of this Ordinance so that the public health, safety and morals are protected and substantial justice is done. (Ord. 106-76. Passed 8-18-76.)

**Commented [TB36]: 1113.05(3):**  
**Recommendation:** Revise to coordinate with new zoning districts  
**Reason:** Coordinate with changes to residential zoning districts recommended by Comprehensive Plan

**Commented [TB37]: 1113.05(4):**  
**Recommendation:** Add similar provision to allow Mixed Residential use in Industrial and Heavy Manufacturing Districts - see discussion in Diagnostic under Workforce Housing  
**Reason:** Provide Workforce Housing

**Commented [TB38]: 1113.05(4):**  
**Recommendation:** Add similar provision to allow Multifamily use in B-2 and B-3 Districts - See discussion in Diagnostic under **GOAL: Housing Options Along US 422 Corridor** (OR, allow multifamily housing in Commercial Zoning Districts)  
**Reason:** Provide Workforce Housing in Commercial Zones

**Commented [BR39R38]:** Would the hotels/apartments and future multiunit housing at Eastwood be included under this designation?  
 Single dwelling (attached or detached) would not be included, correct?

**Commented [INN40R38]:** I think that we may want to create a standalone district in Eastwood.  
 I would not encourage us to permit one-unit dwellings in a high-density commercial district, no.

**Commented [BR41R38]:** Yes, I agree Single Dwelling would not be included.  
 Is it possible for Eastwood Mall housing to be separate from "workforce housing". And just multi-unit - as if Neighborhood 2 & 3 are allowed on a larger scale.

**Commented [INN42R38]:** Yes, I have added an Eastwood Mall District which allows for a diverse mix of multi-unit residential and commercial uses, but does not allow for low-intensity residential uses, such as single-unit dwellings.

~~11. The Board may, when in its opinion the best interests of the community will be served thereby, permit temporarily or permanently, the use of land in a residence district for a parking lot where the land abuts, or is across the street from a district other than a residence district on condition that:~~

- ~~1.—The lot is to be used only for the parking of passenger automobiles of employees, customers, patrons or guests of the person or firm controlling and operating the lot, who shall be responsible also for its maintenance.~~
- ~~2.—No charge is to be made for parking on the lot.~~
- ~~3.—The lot is not to be used for sale, repair work or servicing of any kind.~~
- ~~4.—Entrances to and exits from the lot are to be so located as to do the least harm to the residence district.~~
- ~~5.—No advertising sign or material is to be located on the lot.~~
- ~~6.—Whatever setback building lines would be required on the land if used for residence purposes are to be maintained when it is used as a parking lot and all parking shall be within such lines, except as specifically authorized by the Board.~~
- ~~7.—Such lot may be improved with concrete or bituminous material.~~

12. Grant a permit for the reconstruction within twelve months of a nonconforming building or structure, substantially destroyed by fire, explosion, act of God or other public calamity, when such building is located in a district restricted against its use.
13. Grant a permit for the enlargement of existing buildings or for the erection of additional buildings on the same parcel of land for a trade, business or industry located in a district restricted against such use, where the enlargement or expansion of such trade, business or industry will not be detrimental to or tend to alter the character of the neighborhood. (Ord. 9826-70. Passed 12-2-70.)
14. EDITOR'S NOTE: Former subsection (n) was repealed by Ordinance 32-92, passed June 17, 1992.
15. Grant a variance for industrial units, as defined by Ohio statute, in an existing and partially developed subdivision where such unit conforms to the architectural, structural design, and construction integrity of such subdivision. (Ord. 14-83. Passed 3-2-83.)

**Commented [TB43]:** 1113.05.11:

**Recommendation:** Evaluate if this provision is necessary - Reconsider allowing commercial parking lot in residential zone. Consider rezoning any non-residential parking lot for mixed-use or higher-density residential use and allow non-conformity to eventually convert to residential use.  
**Reason:** Promotes Comprehensive Plan goal for more housing, and mixed-use housing.

**Commented [BR44R43]:** If not necessary do we fully remove it?

Will anything be missed by doing so? (scenarios)

**Commented [NN45R43]:** We can fully remove this provision, sure. The only thing that will change is that, if there are existing commercial parking lots in residential areas, they would become non-conforming uses. They would be permitted to continue to exist, without possible expansion, until some time when they are converted to another permissible use, such as residences.

~~16. Notwithstanding any authority granted to the Board by other provisions of this section, the Board shall not have authority to grant a variance from side yard requirements set forth in Section 1131.05(c), to allow the construction of any development project utilizing “attached” single family dwellings (including, but not limited to “condominium” projects) in R-A Residence districts. (Ord. 4-95. Passed 1-18-95.)~~

**Commented [TB46]:** 1113.05.16:  
**Recommendation:** Eliminate this provision  
**Reason:** New Residential Zones will allow for attached housing to further Comprehensive Plan and housing study goals for more diverse and affordable housing, including allowing smaller lots.

**Commented [BR47R46]:** I agree

## **Chapter 1117 Amendments**

**Commented [TB48]: Chapter 1117**  
No change, not related to Housing

1117.01 Procedure

1117.02 Initiation Of Amendments

1117.03 Submission To Planning Commission

1117.04 Public Hearing

1117.05 Council Action

CROSS REFERENCES Council may amend districting or zoning - see Ohio R. C. 713.10  
Council to hold public hearing - see Ohio R. C. 713.12 Amendments - see P. & Z. 1101.02  
Zoning of annexed areas - see P. & Z. 1157.06

### **1117.01 Procedure**

This Zoning Ordinance, and the maps which are parts thereof, may be amended from time to time, following the procedures outlined in this chapter. (Ord. 9826-70. Passed 12-2-70.)

### **1117.02 Initiation Of Amendments**

Amendments to the text or maps of this Zoning Ordinance may be initiated by Council or the Planning Commission. Amendments to the Zoning Map may also be initiated by petition to Council by any owner of one or more of the parcels of land for which the amendment is proposed. A petition for amending the Zoning Map shall be made on a form supplied by the Planning Commission and shall be accompanied by the following:

1. A fee of three hundred dollars (\$300.00) payable to the City of Niles.
2. A correct description and map of the area for which the amendment is requested.
3. The present and proposed zoning classification.
4. The name of the petitioner and the lot numbers of the parcels of land within the area proposed for amendment of which he is the owner. (Ord. 9826-70. Passed 12-2-70; Ord. 14-15. Passed 6-17-15.)

### **1117.03 Submission To Planning Commission**

Upon receipt of a petition for amending the Zoning Map, Council shall have an ordinance prepared incorporating the proposed amendment. The ordinance shall then be submitted to the Planning Commission for its review, report and recommendations. (Ord. 9826-70. Passed 12-2-70.)

**1117.04 Public Hearing**

Upon receipt of the report and recommendations of the Planning Commission, Council shall schedule a public hearing on the proposed amendment, if it wishes to further consider the passage of the amendment. Advertisement and notice of such public hearing shall be given in accordance with statute. (Ord. 9826-70. Passed 12-2-70.)

**1117.05 Council Action**

Following the public hearing, Council may act on the amendment. If the amending ordinance was not recommended for passage by the Planning Commission, or if the amendment differs in any way from the recommendations of the Commission, it shall be passed only by a three-fourths vote of all members elected to Council. (Ord. 9826-70. Passed 12-2-70.)

## **Chapter 1121 Nonconforming Uses**

### **Section 1121.01 Purpose of Nonconformities Chapter**

This chapter's regulations are intended to permit certain nonconforming uses, lots, and structures to continue to exist in order to minimize unjust takings of private property rights that may result from the enactment of new land use regulations by this Planning and Zoning Code.

### **Section 1121.02 Savings Provision**

Any application for a permit concerning the erection or modification of a structure or the initiation or change of a land use, having been submitted to the appropriate City department and having included all application materials required by the zoning code in effect at the time of the application's receipt by the City, shall be reviewed by the City, Planning Commission, City Council, Board of Zoning Appeals, or any other relevant City entity pursuant to the standards of the Planning and Zoning Code in effect at the time of the application's receipt by the City. Future modifications or amendments sought by an applicant after approval of such a qualifying application shall be reviewed in accordance pursuant to the standards of the Planning and Zoning Code in effect at the time of the applicant's submission of such modifications.

### **Section 1121.03 Definitions**

For the purposes of this chapter, the following definitions apply.

1. Abandonment. Abandonment shall mean the cessation of a land use without intention to continue the particular land use. Such cessation of a land use without intention to continue the land use may be demonstrated by scenarios including, but not limited to, the following: (1) the transition of the land use to another land use, and (2) the application for and receipt of Permits of Occupancy and Use or building permits from the City indicating a change of use.
2. Nonconforming Lot. A nonconforming lot shall mean any lot that was lawfully created and recorded by the County Auditor's Office but does not comply with the most current minimum or maximum lot area, lot frontage, lot width, and/or lot depth standards required by this Planning and Zoning Code.
3. Nonconforming Structure. A nonconforming structure shall mean any structure that:
  - A. Was lawfully constructed, including having received any certificates or permits as required by this City at the time of erection; and

**Commented [BR49]:** Grandfathered-In Uses - specifically? Reads like it is.

Won't this relate to workforce housing in commercial/industrial areas? Or no because it will be allowed due to variance. Variance makes it "conforming"?

**Commented [NN50R49]:** Yes, Nonconforming Uses relates to what we colloquially call grandfathered-in uses.

Correct, a variance is permanent (or as permanent as spelled out in the specific variance writing) to a lot generally or until the item the variance is related to is voluntarily abandoned (such as a structure's porch extension).

We have language that we can provide for this whole section that we have used in other codes and have reviewed with our attorney's. I suggest we scrap this language and use our boilerplate language, at least as a start.

**Commented [TB51R49]:** Nolan, can you provide the language you are referring to?

**Commented [NN52R49]:** Yes. I will include a standard nonconformity chapter in an email transmission to Bianca.

- B. Does not now conform to the provisions of this Planning and Zoning Code or amendment thereto with respect to setback, height, building footprint or lot coverage, impervious coverage percentage, building type, or architectural design standards.
- 4. Nonconforming Use. A nonconforming use shall mean any use of a particular lot, portion of a lot, or structure that:
  - A. Was established lawfully, including having been a lawful land use of the zoning district in which it is located per the Planning and Zoning Code in effect at the time of its establishment, and including having been issued any certificates or permits as required by the zoning code in effect at the time of its establishment; and
  - B. Is no longer a lawful land use in the zoning district in which it is located as restricted by this Planning and Zoning Code.
- 5. Specific Nature. Specific nature shall mean the particular means, manner, and mode in which a land use is carried out. As an example of the use of this term: a Planning and Zoning Code may include a general use-category term, such as “retail establishment,” but such general use-category term may include uses with many different specific natures, such as a retail establishment open only on weekends and selling hiking shoes directly to consumers, a retail establishment selling camping supplies only to boy scout troops, and a retail establishment open only seasonally and selling ski boots.

#### **Section 1121.04 Nonconforming Lots**

- 1. Nonconforming Lots Continuance. A nonconforming lot may continue to exist, subject to the provisions of this section.
- 2. Subdividing Nonconforming Lots. A nonconforming lot may be subdivided into two or more lots, provided that all of the following conditions are satisfied:
  - A. No more than one of the post-subdivided lots will be out of conformity of the minimum or maximum lot area, lot frontage, lot width, and/or lot depth standards required by this Planning and Zoning Code; and
  - B. None of the post-subdivided lots exceeds the nonconforming nature of the pre-subdivided lot. For example, if a pre-subdivided lot is nonconforming due to a shallower-than-allowed lot depth, none of the post-subdivided lots shall have a lot depth that is shallower than that of the pre-subdivided lot.

3. Consolidating Nonconforming Lots. No nonconforming lot shall be consolidated with one or more other lots, unless the resulting consolidated lot fulfills one of the following:
  - A. The resulting consolidated lot conforms to all lot area, frontage, width, and depth dimensions required by this Planning and Zoning Code; or
  - B. The resulting consolidated lot does not conform to all lot area, frontage, width, and depth dimensions required by this Planning and Zoning Code, but the resulting consolidated lot conforms to the lot dimensions required by this Planning and Zoning Code to an equal or greater degree than each of the lots prior to consolidation.
4. Nonconforming Lots with Structures and/or Land Uses. Any nonconforming lot may be improved with structures; such structures shall be subject to regulations as applied by this Planning and Zoning Code. Any nonconforming lot may be put to use, provided that the land use is in full compliance with the terms of this Planning and Zoning Code.

#### **Section 1121.05 Nonconforming Uses**

1. Nonconforming Uses Continuance. A nonconforming use may be continued, subject to the terms of this section. Such continuance shall not require a new Permit of Occupancy and Use from the City under this Planning and Zoning Code; however, if a landowner desires a Permit of Occupancy and Use acknowledging a nonconforming use's right to continue, the owner of the land under which the nonconforming use is being conducted may apply to the City for such a Permit of Occupancy and Use under the terms of this Planning and Zoning Code and any other applicable ordinance.
2. Change of Nonconforming Uses to a Permitted or Conditionally Permitted Use. A nonconforming use may be changed to a permitted or conditionally permitted use, subject to the procedural and permitting requirements as described in this Planning and Zoning Code.
3. Change of a Nonconforming Use within a Use-Category Term. The specific nature of a nonconforming use may be changed with written permission from the City Planner where all of the following conditions are satisfied:
  - A. Such change of specific nature of the use does not constitute a change in the use-category term, as defined in this Planning and Zoning Code; and
  - B. Such change in specific nature of the land use is unlikely to result in a greater risk to the public health, safety, or welfare as compared to the

- existing specific nature of the nonconforming use, according to the professional opinion of the City Planner; and
- C. Such change in specific nature of the land use does not constitute an expansion of the nonconforming use, except as allowed by this chapter.
  - D. To assist the reader in interpreting this regulation, the following examples are provided:
  - E. For example, a nonconforming industrial fluids storage use, which previously stored diesel fuels but wishes to change to the storage of a more carcinogenic fluid, may be found by the City to be likely to increase its risk to public health, safety, and welfare, and, in this case, the change of the specific nature of the nonconforming use may not be permitted.
  - F. For example, a nonconforming restaurant use, which serves burritos and wishes to change its specific nature, i.e., change the menu to smoothies, including a name change from Burrito Shack to Blender Cafe, may be found by the City to be unlikely to increase its risk to public health, safety, and welfare, and, in such case, may be permitted to make the change from one restaurant use to another restaurant use.
  - G. For example, a nonconforming commercial use specializing in home insurance sales may apply for a change in its specific nature, i.e., to a hearing aid and medical device sales use, and the City may find that the change of one commercial use (office use) to another commercial use (consumer sales) is not likely to increase the risk to public health, safety, and welfare, and, therefore, the change of the specific nature of the nonconforming use may be permitted.
4. Expansion of Nonconforming Uses. A nonconforming use may not be expanded in its intensity, including in its hours of operation, average number of labor hours per week, or capacity for customers, and a nonconforming use may not be expanded in floor area or in the lot area dedicated to the use; notwithstanding the foregoing, a nonconforming use may be expanded into a portion of the lot or structure that was manifestly arranged for such use at a time when the use was lawful, and an expansion in intensity of the use is permitted where proportionate to such expansion in area.
- A. To assist the reader in interpreting this regulation, the following examples are provided:
    - 1. For example, there is a nonconforming restaurant use that includes a special event space on the same lot that, while unused in the past,

was manifestly arranged to hold special events, including a catering assembly area, storage for seating and tables, and a bar, and such special event space was a lawful use of this lot at the time of its establishment. The nonconforming restaurant use may expand its intensity of use by expanding into that space.

2. For example, a legal nonconforming brewery use wishes to expand its footprint by using several of its parking spaces for barley grain storage; as the parking spaces were not manifestly arranged as a manufacturing material storage yard at the time of establishment, the expansion of the nonconforming use into that area may not be permitted.
5. Abandonment of Nonconforming Uses. Whenever a nonconforming use has been abandoned and such abandonment has been conclusive for a period of at least 6 months, the nonconforming use shall not be re-established, and any future use of the lot, portion of the lot, or structure where such use had occurred may only occur in conformity with the provisions of this Planning and Zoning Code.

#### **Section 1121.06 Nonconforming Structures**

1. Nonconforming Structures Continuance
  - A. A nonconforming structure may continue to exist, provided that all of the following conditions are met:
    1. The nonconforming structure does not pose an immediate risk to the public safety, as determined by the City; and
    2. The nonconforming structure is not reconstructed, repaired, or expanded, except in accordance with this section.
  - B. Any portion of a nonconforming structure may be put to use, provided that such land use is in full compliance with the provisions of this Planning and Zoning Code.
2. Maintenance and Repair of a Nonconforming Structure. A nonconforming structure may be maintained and repaired, provided that the nonconforming portion of the structure is not enlarged, increased, or extended and that no new nonconforming portion of a structure is created. Note to the reader: a building permit may be required by the building code in order to lawfully conduct certain maintenance and repair activities; to determine the need for a building permit, contact the City.

3. Replacement and Reconstruction of a Nonconforming Structure. A nonconforming structure may be replaced or reconstructed where all of the following conditions are satisfied:
  - A. The replacement or reconstruction does not result in an increase in the area or volume of the structure out of conformity with a structure-related provision of this Planning and Zoning Code; and
  - B. If a nonconforming portion of a structure is replaced or reconstructed, the replacement or reconstruction of that portion of the structure does not occur in a location outside of which formerly contained a nonconforming portion of the structure.
  - C. To assist the reader in interpreting this regulation, the following example is provided: if an above-ground pool was nonconforming due to violating the side-yard setback provision, it may be replaced, provided such replacement does not result in an increase of the area or volume of the pool or deck that violates the side-yard setback provision, and provided that, if any area or volume of the new pool does violate the side-yard setback provision, the location of such violation does not occur outside of the location of the pre-replacement nonconformity.
  - D. Note to the reader: a building permit may be required by the building code in order to lawfully conduct certain construction activities; to determine the need for a building permit, contact the City.
4. Expansion of a Nonconforming Structure. A nonconforming structure may be expanded or reduced, provided that the expansion or reduction does not increase the nonconforming nature of the structure and does not result in any additional nonconforming feature(s).
5. To assist the reader in interpreting this regulation, the following example is provided: a structure that is nonconforming due to its inadequate front setback may be expanded, provided that the expansion does not increase the area or volume of the structure within the required front yard setback and does not violate any other structure-related provision, including height limits and minimum setbacks from lot lines.
6. Note to the reader: a building permit may be required by the building code in order to lawfully conduct certain construction activities; to determine the need for a building permit, contact the City.
7. Evidence of Previous Conditions of Nonconforming Structures. Where this Part Eleven limits the maintenance, repair, replacement, reconstruction, or expansion of

**Commented [NN53]:** QUESTION TO CITY: Is a zoning permit needed for this replacement or reconstruction? If so, refer the reader to the permitting section of this code.

**Commented [NN54]:** QUESTION TO CITY: Is a zoning permit needed for this expansion or reduction? If so, refer the reader to the permitting section of this code.

a nonconforming structure based on the previous location of the nonconformity, the City may determine the location or extent of such nonconformity using as-built drawings, building permits, zoning permits, or historical aerial photography, such as that available by Google Earth.

8. Nuisances. Nothing herein shall limit the City's ability to remedy nuisances by ordering demolitions of structures that are deemed immediate risks to public safety.

#### **Section 1121.07 Burdens of Proof**

In any application, hearing, proceeding, appeal, or dispute involving a nonconforming use or nonconforming structure, the following burdens of proof shall apply.

1. Proof of Establishment of a Land Use or Structure. The landowner bears the burden of demonstrating that the use was lawfully commenced or the structure was lawfully erected, as evidenced by affirmative proof that: (1) the use was commenced or the structure was erected before the change in land use regulations that rendered the use or structure nonconforming; and (2) the use or structure was lawful at the time of commencement or erection, including having been issued any certificate or permit that may have been required under land use regulations that may have been in effect at that time. Proof of the existence of a structure
2. Proof of Abandonment of a Land Use. The City bears the burden of demonstrating the abandonment of a land use, as evidenced by affirmative proof that the landowner intended to abandon the use.

**Commented [NN55]:** OPTION FOR THIS SECTION:  
Where the City and its residents may not have adequate documentation of the issuance of "any certificate or permit that may have been required under land use regulations that may have been in effect at that time", omit that text above and replace with "...and (2) the use or structure was lawful at the time of commencement or erection or, alternatively, has been in continued existence for at least 20 years."

#### **Section 1121.08 Specific Applications of Nonconformities**

1. Nonconforming Signs as Nonconforming Structures. Nonconforming signs are regulated as nonconforming structures.
2. Nonconforming Parking Structures. For any parking area, accessway, garage, driveway, or similar paved area or structure for motor vehicles that was lawfully erected, including having received any certificates or permits as required by this City at the time of erection, but does not conform to the provisions of this Planning and Zoning Code, including area of the parking structure or number of motor vehicle parking spaces, and location of the parking area, such parking area or similar paved area or structure for motor vehicles shall be treated as a nonconforming structure.
3. Earlier Adopted Use and Design Standards. If a use or structure would have been deemed compliant with particular use or design standards in effect at the time that the use or structure was established or constructed, those earlier-enacted

standards shall control and the use or structure is not required to comply with later-enacted standards regarding the same subject matter. By way of example: if a shopping center's landscaping complies with the landscaping and parking standards in effect at the time the shopping center was constructed, compliance with later-enacted landscaping or landscaping standards is not required. However, if a new use is commenced or a new structure is built, it must be in full compliance with the terms of this Planning and Zoning Code.

#### **Section 1121.09 Illegal Uses, Structures, and Lots, Generally**

This chapter does not allow for the perpetuation of uses or structures that were unlawfully established or constructed. Uses or structures that were unlawfully established or constructed are not considered "nonconforming uses" or "nonconforming structures"; instead, such uses and structures are considered "illegal uses" or "illegal structures" and are subject to all of the provisions of this Planning and Zoning Code and any other applicable law, including penalties for violations. Likewise, this chapter does not legitimize the unlawful subdivision or consolidation of real property.

#### **Section 1121.10 Nonconforming Status Attached to the Land**

1. Nonconforming Use Status Runs with the Land. A nonconforming status of a use shall apply to a particular land use on a particular lot of real property. The nonconforming status of a use shall run with the land upon which the nonconforming use was lawfully established. The mere fact that such land has been sold, transferred, or conveyed has no effect on a subsequent owner's right to continue a nonconforming use that was lawfully established under the ownership of a prior party.
2. Nonconforming Structure Status Runs with the Land. A nonconforming status of a structure shall apply to a particular structure, such as a building or a sign, plus its attachments, such as gutters, stairs, railings, and sconces, on a particular lot of real property. The nonconforming status of a structure shall run with the land upon which the structure was lawfully erected. The mere fact that such a structure has been sold, transferred, or conveyed has no effect on a subsequent owner's right to maintain and use a nonconforming structure that was lawfully constructed under the ownership of a prior party.

#### **1121.01 Nonconforming Uses**

~~GROSS REFERENCES Nonconforming uses, retroactive measures -- see Ohio R. C. 713.15~~

Nonconforming use defined – see P. & Z. 1105.10 Variances – see P. & Z. 1113.05(e), (1)

Restoration of unsafe walls – see P. & Z. 1157.07

#### 1121.01 Nonconforming Uses

1. ~~Any lawful building, structure or use in existence on the effective date of this Zoning Ordinance may be continued although such building, structure or use does not conform to the regulations of the district in which it is located. Should a nonconforming building, structure or use be created by the subsequent rezoning of any district, such building, structure or use may also be continued although such building, structure or premises does not conform to the regulations of the district in which it is located. No nonconforming building or structure, nor any nonconforming use of a building, structure or land shall hereafter be extended or enlarged unless such extension or alteration conforms to the provisions of this Ordinance for the district in which it is located. A nonconforming use may be extended throughout a building erected for commercial or industrial purposes prior to the effective date of this Zoning Ordinance provided no structural alterations other than those required by law or ordinance are made in such building.~~
2. ~~No nonconforming sign, billboard or other commercial advertising structure shall be repaired, altered or extended and any such nonconforming sign, billboard or commercial advertising structure shall be entirely and completely removed from the premises not later than three years from the effective date of this Ordinance. If no structural alterations are made in any building, containing a nonconforming use, such use may be changed to a use of similar classification or to a more restricted use but no building in which a nonconforming use has been changed to a more restricted use, shall again be used an any part by a less restricted use. Only those repairs and structural alterations required by law or ordinance may be made to any nonconforming building or structure, unless such repairs and structural alterations are made for the purpose of complying with the provisions of this Ordinance.~~
3. ~~Any nonconforming building or structure which becomes damaged by fire, flood, wind or other act of God or the public enemy to the extent of not more than fifty percent of its value at the time any such calamity occurred may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such partial destruction exceeds fifty percent of the value of such nonconforming building or structure, no repairs or reconstruction may be made~~

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~~unless every portion of such building or structure is made to conform with all the requirements of this Ordinance for the district in which it is located.~~

- ~~4.-A nonconforming building, structure or part thereof, which is or hereafter remains vacant for a period of one year, shall not thereafter be occupied except by a use which conforms to use regulations of the district in which it is located.~~

~~If a nonconforming use of a building, structure or land is discontinued for a period of one year, such building, structure or land shall not be again utilized except by a use which conforms to the use regulations of the district in which such building, structure or land is located.~~

~~If a nonconforming use of a building, structure or land is discontinued for a period of one year, such building, structure or land shall not be again utilized except by a use which conforms to the use regulations of the district in which such building, structure or land is located. (Ord. 9826-70. Passed 12-2-70.)~~

### TITLE THREE - ZONING DISTRICTS AND REGULATIONS

Chapter 1129 Districts Established And Zoning Map

Chapter 1131 ~~Neighborhood 1 District R-A Residence District~~

Chapter 1133 ~~Neighborhood 2 District R-B Residence District~~

Chapter 1135 ~~Neighborhood 3 District R-C Residence District~~

Chapter 1137 B-1 Highway Commercial District

Chapter 1139 ~~B-2 Corridor 1 District Neighborhood Business District~~

Chapter 1141 B-3 General Commercial District

Chapter 1143 B-4 Shopping Center District

Chapter 1145 ~~Downtown District B-5 Office-Institutional District~~

Chapter 1146 B-6 Mall District

Chapter 1149 Industrial And Heavy Manufacturing Districts

Chapter 1153 Off-Street Parking And Loading

Chapter 1157 Special Provisions

Chapter 1158 Construction And Demolition Debris Storage Sites

**Commented [TB56]: Recommendation:** The "R-A", "R-B", "R-C" Districts will be eliminated and replaced by new "Suburban Residential", "Urban Edge". or "Mixed-Residential" per the Comprehensive Plan recommendations. (See Diagnostic for proposed standards in each new district.)

**Reason:** Comprehensive Plan recommendations

**Commented [TB57]: Recommendation:** Delete - The B-2 District will be replaced by the "Urban Edge" district, a mixed-use zone at a smaller scale than the Downtown district. See Urban Edge discussion in Diagnostic and Comp. Plan

**Reason:** Comprehensive Plan/housing goals recommendations

**Commented [TB58]: Recommendation:** Create new zoning Districts per Comprehensive Plan - see Diagnostic discussion

**Reason:** Housing and other Comprehensive Plan goals

## Chapter 1129 Districts Established And Zoning Map

### 1129.01 Zoning Districts

### 1129.02 Map; Conformity To Regulations

### 1129.03 Unzoned Parcels

CROSS REFERENCES Basis of districts - see Ohio R. C. 713.10 Maps - see P. & Z. 1101.01  
Variance re map - see P. & Z. 1113.05(g) Variance re open space - see P. & Z. 1113.05(h)  
Height exceptions - see P. & Z. 1157.02 Zoning annexed areas - see P. & Z. 1157.06

### 1129.01 Zoning Districts

In order to designate districts for the purpose of this Zoning Ordinance, the City is hereby divided into the following districts:

1. Neighborhood 1 District;
2. Neighborhood 2 District
3. Neighborhood 3 District
4. B-1 Highway Commercial District
5. Corridor 1 District
6. B-3 General Commercial District
7. B-4 Shopping Center District
8. Downtown District
9. B-6 Mall District
10. I - Industrial District
11. HM - Heavy Manufacturing District

~~R-A Residence District R-B Residence District R-C Residence District B-1 Highway  
Commercial District B-2 Neighborhood Commercial District B-3 General Commercial  
District B-4 Shopping Center District B-5 Office-Institutional District Industrial District  
Heavy Manufacturing District.~~

(Ord. 9826-70. Passed 12-2-70. Updated XX-XX-XX.)

### 1129.02 Map; Conformity To Regulations

The boundaries of the districts established in Section 1129.01 are hereby established upon the Map which is designated the "Building Zone Map, City of Niles, Ohio" and is on file in the office of the City Engineer. Such Building Zone Map, consisting of forty-six separate parts, all of which are sections of the same Map covering the entire territory of the City, and

**Commented [TB59]: Recommendation:** The Zoning Map is to be revised according to the Comprehensive Plan Land Use recommendations and new zoning districts (see page 30).

**Commented [TB60]: Recommendation:** The R-A, R-B, R-C, B-2 Districts will be eliminated. The new zoning districts should be listed here.  
**Reason:** Comprehensive Plan Land Use recommendations

**Commented [TB61]: 1129.02**  
**Recommendation:** No Change, not related to housing  
**Reason:**

the key map and chart containing the explanation of symbols and indications which appear on such Building Zone Map, are hereby made a part of this Zoning Ordinance. No building or structure shall be erected or altered, nor shall any building or premises be used for any purpose other than a use permitted in the district which such building or premises is located. No building or premises shall be used so as to produce greater heights, smaller yards or less occupied area and no building shall be occupied by more families than hereinafter prescribed for such building for the district in which it is located. No lot which is now or may be hereafter built upon as herein required, may be reduced in area so that the yards and open spaces will be smaller than prescribed by this Ordinance, and no yard; ~~court~~ or open space provided about any building for the purpose of complying with the provisions hereof, shall again be used as a yard; ~~court~~ or other open space for any other building. (Ord. 9826-70. Passed 12-2-70.)

#### **1129.03 Unzoned Parcels**

1. ~~Unzoned Green-shaded~~ parcels on the “Building Zone Map, City of Niles, Ohio,” are designated on the Map as parcels that have no zoning. These areas are generally (but not exclusively) owned by the City or the Niles City School District Board of Education, and are used for public purposes.
2. When and if any of these parcels cease to be owned by their present owner, or are no longer used for public purposes, then said parcel(s) shall be treated as being zoned ~~RA Neighborhood 1 District~~ until otherwise designated by City Council. (Ord. 05-10. Passed 4-7-10.)

**Chapter 1131 Neighborhood 1 District R-A Residence District**

1131.01 Permitted Uses

1131.02 Regulations For Accessory Buildings

~~1131.03 Trailers~~~~1131.04 Conformity To Regulations~~

1131.03 Heights; Yards; Setbacks; Areas

~~1131.06 Group Residential Developments~~

CROSS REFERENCES Public utility variance - see P. & Z. 1113.05(c) Special provisions - see P. & Z. Ch. 1157 Swimming pools - see BLDG. Ch. 1363

**1131.01 Permitted Uses**

Within ~~the any Neighborhood 1 District R-A Residence District~~, no building, structure or premises shall be used or designed to be used, in any part, except for one or more of the following specified uses:

1. A detached dwelling for only ~~one family or for~~ one housekeeping unit, living and entering independently of any other ~~family or housekeeping unit~~.
2. ~~Accessory dwelling units, as regulated in Chapter 1157. In-Law Suites:~~
  1. ~~This use shall be for the purpose of allowing an independent dwelling unit in conjunction with and clearly subordinate to a primary dwelling unit, for the habitation of family members as described below:~~
  2. ~~The in-law suite must be located in the principal structure (which includes attached garages or areas over attached garages);~~
  3. ~~The structure must maintain a single-family residential appearance that blends with the principal structure and the neighborhood.~~
  4. ~~The property owner must live on site, and the in-law suite must be subservient to the principal use of the property as a dwelling.~~
  5. ~~The in-law suite shall be occupied only by a parent, grandparent or child of the owner of the principal residence.~~
  6. ~~The in-law suite may not have both a complete kitchen and a complete bathroom.~~

**Commented [TB62]: Chapter 1131 - ELIMINATE Recommendation:** Eliminate "R-A" District, reassign most parcels within the existing R-A District, to new "Suburban Residential", "Urban Edge", or "Mixed-Residential" according to the Comprehensive Plan Land Use recommendations. (See Comp. Plan pages 36, 37, 38, and discussion in Diagnostic for proposed standards in each new district.)  
**Reason:** Implement Comprehensive Plan recommendations.

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**Field Code Changed**

**Commented [TB63]:** 1131.01  
**Recommendation:** Revise "Permitted Uses" for each of the newly created zoning Districts (See CP pages 36, 37, 38). Currently, the permitted uses are cumulative in the residential districts. Propose a matrix of permitted uses keyed to new zones.  
**Reason:** Implement Comprehensive Plan recommendations, which are consistent with the Housing Study and Active Transportation plans and goals.

**Commented [BR64R63]:** Where is the best location to put matrix? - at front of maybe before Chapter 1131 - call it Chapter 1130 Permitted Uses?

**Commented [INN65R63]:** I typically put a Comprehensive Use Permissions Table after the districts. In this case, that would be Chapter 1151. However, this is difficult to do, as we're not updating the entire code. Many of the commercial districts have long lists of permitted uses, which would make the table cumbersome, the opposite of usable. I recommend that we keep the lists of permitted uses in each of the districts, and, if we continue with another project that updates the commercial districts as well, we can form the Comprehensive Use Permissions Table at that point.

~~7. The utilities for the in-law suite may not be separate from the utilities of the principal residence.~~

~~8. The owner may not advertise, or cause to be advertised, the in-law suite as "for rent" or similar advertisement.~~

3. The taking of boarders or leasing of rooms by a resident **family housekeeping unit**, provided the total number of boarders and roomers does not exceed two in any one **family housekeeping unit** unless the Board of Zoning Appeals authorizes a greater number of boarders or roomers as set forth in Section 1113.05(f).
4. Cemeteries.
5. Churches and other places of worship; parish houses.
6. Upon the granting of a variance by the Board of Zoning Appeals, private clubs, lodges, social and community center buildings, except those in which the chief activity is a gainful service or activity usually conducted as a business, provided also that there shall be no serving or dispensing of alcoholic or spirituous beverages in any such private club, lodge, social or community center building.
7. Farms, truck gardens, nurseries; noncommercial greenhouses.
8. Golf courses, except driving tees and miniature courses.
9. Institutions of an educational, religious, or philanthropic character, other than correctional institutions.
10. Hospitals and sanitariums, except animal hospitals, **clinics and hospitals or sanitariums for epileptic, drug or alcohol, or mental illness patients.**
11. Publicly owned recreation buildings.
12. **Playgrounds, parks, sports fields and courts, and non-motorized recreational paths.**
13. Family day care homes as permitted by Ohio R.C. 5104.054. (Ord. 13-09. Passed 6-3-09.)

**Commented [TB66]: 1131.01.2**

**Recommendation:** Delete "In-Law Suites". Add new "Accessory Dwelling Unit" by right on any single-family detached parcel, not restricted to family members.

**Reason:** Provide increased flexibility to reflect varying housing needs. ADU's can provide suitable option for housing for single-person households, senior households, while not requiring additional infrastructure investment. ADU's also provide means of additional income promoting homeownership.

**Commented [TB67R66]:** Accessory Dwellings are added in Chapter 1157

**Commented [NN68]:** Bianca, I recommend that this provision be reviewed by your legal counsel. I have concern that it may be an old provision that may violate the Americans with Disabilities Act and the Federal Housing Act. I would simply disallow hospitals of all kinds in the Neighborhood 1 District. Do you agree with this change?

**Commented [BR69R68]:** Yes, I agree - NEED TO CONFIRM WITH LEGAL.

**Commented [NN70R68]:** Based on an email from Bianca, I am suggesting removing this portion of the land use.

**Commented [NN71]:** I have added this as its own line in order to permit privately owned parks and playgrounds, not just public ones. These are important in many subdivisions with recreation areas that are privately owned by an HOA.

**Commented [BR72R71]:** Makes sense. I agree.

**Field Code Changed**

**Field Code Changed**

### **1131.02 Regulations For Accessory Structures**

Accessory ~~buildings~~ ~~structures~~ shall be subject to the following regulations:

1. ~~No accessory buildings structures shall be used for the conduct of any land use not permitted in the zoning district in which it is located a business or industry therein.~~
2. Accessory ~~buildings structures~~ shall be permitted for the following purposes:
  1. Detached private garage on the same lot as the principal building. ~~No part of any such private garage shall be used for residence purposes.~~
  2. Storage building or structure, including a green house, pool house, gazebo and similar structures ~~typically associated with residential use.~~
3. Accessory ~~buildings structures~~ may only be located in the side or rear yard.
4. ~~The area occupied by all permitted accessory uses structures shall not exceed the lesser of twenty-five percent (25%) of the rear yard, or 1,152 square feet. In no instance shall the floor area of any accessory building structure exceed the ground floor area of the principal building of the lot.~~
5. Any permitted accessory ~~use structure~~ must be located at least two feet from any lot line.
6. Private garages (attached or detached) are further limited, so that total garage area shall not exceed 1,152 square feet in floor area.
7. Storage buildings or other permitted structures are further limited so that only one such structure can be placed per residential parcel, except that one additional structure may be added provided it is not used for storage and its purpose is part of landscaping or recreational use, such as a patio, hot tub, gazebo, green house or similar structure. Metal storage buildings permitted under this subsection may not exceed 100 square feet. Other buildings or structures permitted under this subsection may not exceed 200 square feet.
8. The minimum pitch for the roof of an accessory ~~building structure~~ shall be 4/12. The maximum height of any accessory ~~building structure~~ shall not exceed 15 feet from floor level to the roof peak.
9. In the case of a corner lot, no wall of an accessory ~~building structure~~ shall be nearer to the side street line than the side wall of the main building. If the rear of a corner lot abuts ~~on~~ a lot with the principal frontage on the side street, the accessory building on such corner lot shall be setback from the side street line a distance of not less than twenty-five feet.

**Commented [TB73]:** 1131.02

**Recommendation:** Consider allowing accessory buildings for home occupations. Consider allowing accessory buildings on lots with other housing, such as duplex or townhomes. Show permissions in Use Table.

**Reason:** Increase use of housing

**Commented [BR74R73]:** NEED TO CONFIRM WITH MATT, DUKE, MAYOR & LEGAL

**Commented [INN75R73]:** Based on Bianca's email, I have rephrased this sentence to allow Accessory Structures to be used for whatever land uses principal structures are used for in that zoning district.

**Commented [TB76]: Recommendation:** Delete this restriction to allow for ADU's  
**Reason:** Consistent with goals to increase housing options.

**Commented [TB77]: Recommendation:** For added flexibility, allow in side yard as long as accessory structure is setback from front property line more than the primary structure.  
**Reason:** Increase flexibility for ADU's while preserving streetscape

**Commented [TB78]: Recommendation:** Increase to 40%. For clarity, refer to "accessory buildings", not "accessory uses"  
**Reason:** Provide additional flexibility for ADU's

**Commented [TB79R78]: Recommend** referring consistently to "Accessory structures".  
**Rationale:** A "use" may or may not involve a structure. Accessory structures, such as a deck, greenhouse, gazebo, are not always "buildings".

**Commented [INN80]:** This is often an issue when there is a three-car garage that may exceed the floor area of a smaller home. Does the City wish to change this standard?

**Commented [BR81R80]:** NEED TO CONFIRM WITH MATT, DUKE, MAYOR & LEGAL

**Commented [INN82R80]:** Based on email from Bianca, we are leaving this provision as-is.

10. Swimming pools shall not be considered an accessory ~~use structure~~, but shall remain five feet from any property line, and a five foot “green area” shall be maintained around them. No swimming pools may be placed in front of the building setback line.

11. Canvas freestanding structures ~~other than for extraordinary uses as permitted by zoning officials~~ shall be prohibited as accessory buildings. ~~No new metal freestanding structure other than a metal storage building not exceeding 100 square feet shall be permitted as an accessory building. Existing canvas freestanding structures in violation of this subsection must be removed within one year of the effective date of this section. (Ord. 14-09. Passed 6-3-09.)~~

#### HISTORY

Amended by Ord. 41-19 on 7/10/2019

#### 1131.03 Trailers

The regulations set forth in Chapter 1157 shall apply to house, boat and utility trailers. (Ord. 9826-70. Passed 12-2-70.)

#### 1131.03 Conformity To Regulations

Except as hereinafter provided, no building, structure or premises shall be used so as to produce greater heights, smaller yards or less unoccupied area and no building shall be occupied by more families than hereinafter required for such building for the district in which it is located. No lot which is now or may be hereafter improved shall be smaller than prescribed by this Zoning Ordinance; and no yard, court or open space provided about any building as shown on the plat thereof, accompanying the application for a building permit for the purpose of complying with the provisions hereof, shall again be used as a yard, court or other open space for another building. (Ord. 9826-70. Passed 12-2-70.)

#### 1131.04 Heights; Yards; Setbacks; Areas

In the Neighborhood 1 District ~~any R-A Residence District~~, the following limitations and requirements shall apply:

| Height and Bulk Standards |                                      |
|---------------------------|--------------------------------------|
| Lot Standards             |                                      |
| Lot Area                  | <del>10,500</del> 7,500 sq. ft. min. |

**Commented [TB83]:** Deleted this sentence, as this is already addressed in No. 7

**Commented [TB84]:** Can this be deleted? If this was enforced, there should be no canvas structures remaining.

**Commented [NN85R84]:** Yes, I am flagging this comment to be directed to the client.

**Commented [BR86R84]:** NEED TO CONFIRM WITH MATT, DUKE, MAYOR & LEGAL

**Commented [NN87R84]:** Based on comments from Bianca over email, yes, this can be deleted. But a second email said that the mayor wanted to keep it in there, so we'll keep it.

**Commented [TB88]:** 1131.03

**Recommendation:** Revise if appropriate to coordinate with definition and permitted use of "Mobile Homes" (This may not be necessary to repeat here if in 1157?)

**Reason:** Coordinate changes

**Commented [TB89R88]:** Deleted. Addressed in 1157

**Commented [TB90]:** 1131.04

**Recommendation:** Move to new 1101.03, as this is a general requirement applicable to all parcels in the community

**Reason:** Coordination

**Commented [NN91R90]:** Yes, I agree with this move.

**Commented [BR92R90]:** Should this be strikethrough since it moved?

**Commented [NN93R90]:** Agreed. I have struck-through this paragraph, as it was inserted in the first chapter.

**Commented [TB94]:** 1131.05

**Recommendation:** Provide the "dimensional standards" for new zoning districts in a single page for each District and illustrate with graphics for user clarity

**Rationale:** Coordination and clarity of new District requirements in the Code

**Commented [NN95]:** Bianca, a significant portion of lots in the Neighborhood 1 District are smaller than 10,500 square feet. This is not an issue, as th...

**Commented [BR96R95]:** When applying for ODOD REDD grant we agreed to 7,500 sq ft. for

**Commented [NN97R95]:** Okay. I will modify this minimum lot area to 7,500 sq. ft.

| <b>Height and Bulk Standards</b>    |                                                  |                                                                                                                                                                                                                                                                                              |
|-------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | <u>Number of Principal Structures per Lot</u>    | <u>No lot may contain more than 1 principal structure</u>                                                                                                                                                                                                                                    |
| <b>Building Placement Standards</b> |                                                  |                                                                                                                                                                                                                                                                                              |
|                                     | <u>Front Yard Setback</u>                        | <u>Min. of the average distance of the buildings fronting on the same side of the street within the block; or, where no buildings front on the same side of the street within the block, 25 ft. min.</u><br><u>Note: Front steps do not need to conform to this provision</u>                |
|                                     | <u>Side Yard Setback of Principal Structures</u> | <u>5 ft. min for each side; 15 ft. min. for total of both sides</u><br><u>Note: On any lot less than 50 ft. wide existing and of record on the effective date of this Zoning Ordinance, the min. width of any side yard shall be 5 ft., and the total of both sides shall be 10 ft. min.</u> |
|                                     | <u>Rear Yard Setback</u>                         | <u>40 ft. min.</u>                                                                                                                                                                                                                                                                           |
| <b>Other Standards</b>              |                                                  |                                                                                                                                                                                                                                                                                              |
|                                     | <u>Building Height</u>                           | <u>30 ft. max., except that churches, hospitals, schools, and any other public building may be built to 60 ft. max.</u>                                                                                                                                                                      |

1. ~~Height. No building shall exceed thirty feet or two and one-half stories in height. Churches, hospitals, schools or any other public buildings to be located in an R-A District may be built to a height of sixty feet or four stories, provided such building is set back from every street and lot line one foot for each foot of height for such building in addition to the other yard and setback requirements herein specified for R-A Districts.~~
2. ~~Rear Yards. There shall be a rear yard on every lot which shall have a minimum depth of forty feet.~~
3. ~~Side Yards. There shall be a side yard on each side of every building. The minimum width of any side yard shall be five feet and both side yards shall together be not less than fifteen feet except as provided above for accessory buildings, provided that on any lot existing and of record on the effective date of this Zoning Ordinance, less than fifty feet wide, the minimum width of any side yard shall be five feet.~~
4. ~~Setback Line. For the purpose of establishing a front yard, no building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the buildings fronting on the same side of the street within the block on the effective date of this Ordinance. If no building fronts on the same side of the street within the block, no new building, part of a building, uncovered porches, covered and enclosed porches,~~

~~or other projections shall be erected with its street wall or walls nearer than twenty-five feet to the street line. However, this provision does not include steps.~~

5. ~~Lot Area Per Family. The minimum lot area required is as follows: One-family dwelling - 10,500 square feet (Ord. 9826-70. Passed 12-2-70; Ord. 10062-73. Passed 2-21-73; Ord. 14-09. Passed 6-3-09.)~~

#### **1131.06 Group Residential Developments**

1. ~~For purposes of this section, Group Residential Developments shall be defined as the orderly grouping of residential structures planned for individual sale with the development managed by an association under the condominium laws of the State of Ohio, Ohio R.C. 5311.01, et seq.~~
2. ~~A permit for a Group Residential Development in an R-A Residence District may be issued provided the following requirements and standards of this section have been complied with:~~
  1. ~~Preliminary plan. The owner(s) of a tract of land containing not less than one acre shall submit to the Building and Zoning Inspector for review a preliminary plan for the use and development of such tract of land for a group residential development project.~~
  2. ~~Design standards. The plan of the project shall provide for:~~
    1. ~~The grouping and harmonious design of buildings;~~
    2. ~~Building footprint(s) (showing the outside perimeter walls of the building(s)), building square footages (listing all floor levels separately), and building elevation view(s), all of which shall be shown for any units the owner proposes to construct in the development;~~
    3. ~~The proposed building materials;~~
    4. ~~Adequate and properly arranged facilities for internal traffic circulation in conformance with the requirements of Section 1175.06;~~
    5. ~~Off street parking and loading;~~
    6. ~~Landscaping;~~
    7. ~~Buffers including fencing, landscaping and greenspace; and~~

8. ~~Such other features and facilities as may be necessary to make the project sufficient from the standpoint of the developer as well as from the standpoint of the adjoining or surrounding existing or potential developments, and the City of Niles.~~
3. ~~Area requirements. The minimum site area for a residential development project shall be one acre.~~
4. ~~Uses permitted. Permitted uses shall be one and two family dwellings, which may include a deck or patio with fencing to enclose the deck or patio only. Fencing around the perimeter boundary of the development project shall also be permitted. The use of this perimeter fencing shall either be at the direction of the City, or at the discretion of the developer if approved by the City. The type of fencing shall be approved by the City. No sheds or out buildings shall be permitted. A swimming pool/clubhouse is permitted, provided the pool/clubhouse is constructed by the developer or association formed for the benefit of the owners of the units within the development.~~
5. ~~Building heights and yards.~~
  1. ~~Building height requirements shall be the same as found in Section 1131.05(a).~~
  2. ~~Where rear yards are adjacent to properties that are not part of a Group Residential Development, the rear yard requirements shall be the same as found in Section 1131.05(b). Where rear yards are adjacent to the rear yards or side yards of other units in a Group Residential Development, the minimum spacing between units shall be 60'.~~
  3. ~~A minimum building separation of ten feet shall be required for all side yards, except as noted in B. above. Where property lines exist within the development, there shall be a minimum side yard of 5' between property lines. Where a side yard is adjacent to a street line, the side yard setback shall follow the requirements of Section 1131.05(d). If no street line is shown on the development plan(s), the side yard setback shall be the greater of either 35' (measured from the edge of the pavement or curb) or the average setback within the block in accordance with Section 1131.05(d).~~

4. If a street boundary line is shown on the development plan(s), it shall be shown at a minimum width of 50', with the street surface centered within the street boundary lines; and the building "Setback Line" requirements of Section 1131.05(d) shall apply, with the distances measured from the "street boundary line." If no street boundary line is shown on the development plan(s), the building setback line shall be 35 feet measured from the edge of the pavement or curb.
5. The minimum lot area required (or density if the development does not include lot lines) shall be as follows:

|                      |                     |
|----------------------|---------------------|
| One-family Dwelling: | 10,500 square feet; |
| Two-family Dwelling: | 12,225 square feet; |

6. The area constituting the roadway(s) for the development shall be calculated at a minimum width of 50' and shall be excluded in determining the "lot area."
6. **Recreation Areas.** If the project contains twenty acres or more, at least five percent (5%) of the acreage of such site shall be developed as a neighborhood recreation area or areas. If the site contains less than twenty acres, the required recreation area shall be 2,000 square feet for the first fifty dwelling units plus thirty square feet for each additional unit in excess of fifty.
7. **Off-street parking and service facilities.** There shall be at least two off-street parking spaces for each dwelling unit. Service drives and other service facilities shall be located entirely within the project site separate from the off-street parking required herein.
8. **Construction and Site Plan Approval.** After the Building and Zoning Inspector has certified to the City Engineer in writing that the developer's Preliminary Plan has met the requirements of subsection (b)(1) through (7) hereof, the developer shall submit a construction and site plan of the project to the Niles City Engineer for his review and approval. The plan is to be prepared and certified by a registered engineer in the State of Ohio unless otherwise deemed unnecessary by the Niles City Engineer, subject to the following requirements:

- 1.—Plan view of the project showing existing and proposed sanitary sewers and appurtenances, storm sewers and appurtenances, elevations and grades, and any other information requested by the City Engineer necessary for site plan approval;
- 2.—Sanitary sewer plan, profile and appurtenances showing size of pipe, elevations, grades, type of materials, and any other information requested by the City Engineer necessary for approval;
- 3.—Storm sewer flow calculations prepared by a Professional Civil Engineer showing the existing and proposed run-off and storm water management controls based on criteria acceptable under City Ordinances regarding storm water management at the time of the review;
- 4.—Storm sewer and storm management plans, with profiles and appurtenances showing size of pipe, elevations, grades, type of materials, and any other information requested by the City Engineer for approval;
- 5.—Existing ground elevations, proposed ground elevations and contours showing direction of drainage;
- 6.—Access drive(s) location and design with horizontal and vertical control designed in accordance with the requirements of Section 1175.06. If traffic congestion is considered to be problem for the proposed project, the City Engineer will require from the Developer a traffic analysis of the existing traffic, project and combined traffic where such traffic enters upon the public right of way. A Professional Engineer must prepare the study. The developer is responsible for any traffic mitigation when required, and shall comply with all applicable City and State regulations for such traffic mitigation.
- 7.—The requirements of the City Engineer for the purpose of reviewing a project are not limited to the above requirements. Any additional information requested by the City Engineer is required for completion of the review.
- 9.—Planning Commission recommendation. The City Engineer, upon completion of his review, shall forward his comments regarding the feasibility of the

proposed project to the City Planning Commission. The Planning Commission shall then consider the proposed project at its next meeting, and make a recommendation for its approval or disapproval to City Council.

10. ~~Action on permit by City Council.~~ The permit to construct the proposed project in exact accordance with the construction and site plan submitted to, and review by, the City Engineer and the City Planning Commission may only be issued after approval by the City Council by written Resolution, enacted in compliance with Ohio law. Council may hold a public hearing on the proposed project prior to acting on the Resolution. City Council may require more restrictive requirements or allow less restrictive requirements from any part of this section.

~~If Council fails to approve the Resolution authorizing issuance of the permit, and the Developer chooses to re-submit the project by amending the construction and site plan, or submitting an entirely new plan, such resubmission must be made first to the Building and Zoning Inspector, and each subsequent step for approval required under section must be followed.~~

11. ~~Recording requirement.~~ The Developer whose Group Residential Plans have been approved by Council shall prepare on Mylar sheet(s) (not to exceed 24" x 36") the approved site plan with the following information contained thereon:

1. ~~A layout of the proposed buildings on the site plan including: building footprints (showing outside perimeter walls of the building); building square footages (listing all floor levels separately); building elevation views; building materials; and approved driveways;~~
2. ~~Existing and approved storm sewer plans and appurtenances showing size of pipe, elevations, grades, type of materials, and any information requested by the City Engineer;~~
3. ~~Sanitary sewer plan and appurtenances, showing size of pipe, elevations, grades, type of materials, and any other information requested by the City Engineer;~~
4. ~~Storm sewer flow calculations showing the existing and approved run-off and storm water management controls;~~

5. The storm sewer and storm water management control plan and appurtenances showing size of pipe, elevations, grades, type of materials and any other information requested by the City Engineer;
  6. Existing ground elevations, and approved ground elevations and contours showing direction of drainage;
  7. Said Mylar shall be completed in a form that shall be deemed "recordable" by the Trumbull County Recorder, and shall be recorded by the Developer prior to the commencement of construction.
12. ~~Deviation from approved construction and site plans.~~ If City Council approves the proposed project as submitted, neither the developer, nor his successors or assigns, may deviate from the plans approved by Council without submitting a written proposal describing in detail the proposed deviation to the Building and Zoning Inspector and the City Engineer for review and comment. Upon completion of said reviews by these individuals, the proposal and comments shall be turned over to Council's Safety Committee for a written determination whether said proposed change(s) amount to a "submittal deviation" from the approved plans for the project. If the Safety Committee determines that the proposed change(s) do not amount to a "substantial deviation", then the changes shall be approved under the supervision of the Building and Zoning Inspector and the City Engineer. A substitution of an approved building footprint for a "like kind" approved unit (one family for one family, two family for two family) shall not be considered a substantial deviation. If the Safety Committee determines that the proposed change(s) amount to a "substantial deviation", then the sponsor of the deviation shall prepare amended preliminary, construction and site plans, and cause each submitted plan to be reviewed and approved in accordance with all the provisions of this Ordinance, including approval by City Council by written Resolution enacted in compliance with Ohio law. In addition, said approved, amended plans shall be recorded with the Trumbull County Recorder prior to construction in accordance with the amended plans.
13. ~~Inspection of construction.~~ The Building and Zoning Inspector and the City Engineer and their staff members shall have the right to enter upon the private land when construction is taking place for the purpose of inspecting and determining that all work performed is as planned and approved by City

Council. If any of these City officials notice any work being constructed contrary to plan, the Building and Zoning Inspector will take the necessary steps to stop construction. The Building and Zoning Inspector will then notify the proper party to conform to the approved plans and that construction shall not be continued until such time as the defective work is corrected and approved by the City Engineer and the Building and Zoning Inspector. (Ord. 20-04. Passed 6-16-04.)

**Commented [TB98]: 1131.06**

**Recommendation:**

- Provide definition of Condominium
- Require that Condominiums meet dimensional standards of the underlying zoning district
- Include Condominiums in Use Table
- Move procedural/review/approval standards to Subdivision Regulations.
- See discussion on Condominiums in Diagnostic

**Rationale:** Clarity and Organization - Condominium regimes are common and should be allowed as housing option.

**Chapter 1133 ~~Neighborhood 2 District R-B Residence District~~**

**1133.01 Permitted Uses**

**1133.02 Height, Bulk And Lot Area Regulations**

CROSS REFERENCES Public utility variance - see P. & Z. 1113.05(c) Special provisions - see P. & Z. Ch. 1157

**1133.01 Permitted Uses**

Within ~~any the Neighborhood 2 District R-B Residence District~~, no building, structures or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Any principal use permitted in the Neighborhood 1 District ~~an R-A Residence District~~;
2. A duplex;
3. A triplex;
4. A four-plex;
5. ~~Single or multiple dwellings up to and including six family dwellings~~;
6. Accessory uses as permitted in Section 1131.02, except accessory dwelling units;
7. ~~Every dwelling containing two or more families shall have provided on the same lot on which such dwelling is located, or within such dwelling, two automobile parking spaces for each housekeeping unit within such dwelling~~;
8. ~~Group Residential Developments: The regulations in Section 1157.11 shall apply. (Ord. 15-09. Passed 6-3-09.)~~

**1133.02 Height, Bulk And Lot Area Regulations**

In the Neighborhood 2 District, the following limitations and requirements shall apply:

| <b>Lot Standards</b> |                                               |                                                           |
|----------------------|-----------------------------------------------|-----------------------------------------------------------|
|                      | <u>Lot Area</u>                               | <u>9,800 7,500 sq. ft. min.</u>                           |
|                      | <u>Number of Principal Structures per Lot</u> | <u>No lot may contain more than 1 principal structure</u> |

**Commented [NN99]:** I changed this to 7,500 square feet minimum due to Bianca's comment on lot area in the Neighborhood 1 District.

| <b>Building Placement Standards</b> |                                                  |                                                                                                                                                                                                                                                                               |
|-------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | <u>Front Yard Setback</u>                        | <u>Min. of the average distance of the buildings fronting on the same side of the street within the block; or, where no buildings front on the same side of the street within the block, 25 ft. min.</u><br><u>Note: Front steps do not need to conform to this provision</u> |
|                                     | <u>Side Yard Setback of Principal Structures</u> | <u>5 ft. min for each side, except noting that, for duplexes, triplexes, and four-plexes, buildings may straddle lot lines</u>                                                                                                                                                |
|                                     | <u>Rear Yard Setback</u>                         | <u>40 ft. min.</u>                                                                                                                                                                                                                                                            |
| <b>Other Standards</b>              |                                                  |                                                                                                                                                                                                                                                                               |
|                                     | <u>Building Height</u>                           | <u>30 ft. max., except that churches, hospitals, schools, and any other public building may be built to 60 ft. max.</u>                                                                                                                                                       |

- 1.—Heights. The regulations as set forth in Section 1131.05 shall apply.
- 2.—Rear Yards. The regulations as set forth in Section 1131.05 shall apply. (Ord. 9826-70. Passed 12-2-70; Ord. 10062-73. Passed 2-21-73.)
- 3.—Side Yards. The regulations as set forth in Section 1131.05 shall apply, excepting in case of two-family dwellings or more, the minimum width of any sideyard shall be ten feet plus 2 feet for every story above the first story. (Ord. 72-62. Passed 9-1-62.)
- 4.—Setback Line. The regulations as set forth in Section 1131.05 shall apply.
- 5.—Lot Area. The minimum requirements of lot area shall be as follows:

|                       |                    |
|-----------------------|--------------------|
| One-family dwelling   | 9,800 square feet  |
| Two-family dwelling   | 14,500 square feet |
| Three-family dwelling | 17,500 square feet |
| Four-family dwelling  | 19,500 square feet |
| Five-family dwelling  | 21,500 square feet |
| Six-family dwelling   | 23,500 square feet |

6. (Ord. 16-09. Passed 6-3-09.)

Commented [TB100]: Recommend: Chapter 1133  
R-B be Eliminated  
Reason: Comp. Plan Land Use recommendations

## **Chapter 1135 ~~Neighborhood 3 District~~ R-C Residence District**

### **1135.01 Permitted Uses**

### **1135.02 Garages**

### **1135.03 Height And Bulk Regulations**

CROSS REFERENCES Special provisions - see P. & Z. Ch. 1157

### **1135.01 Permitted Uses**

Within ~~the Neighborhood 3 District~~ ~~any R-C Residence District~~, no building, structure or premises shall be used or arranged or designed to be used in any part, except for one or more of the following specified uses:

1. Any principal use permitted in ~~the Neighborhood 1 District~~ ~~an R-A Residence District~~.
2. Any use permitted in ~~the Neighborhood 2 District~~ ~~an R-B Residence District~~.
3. ~~A five-plex;~~
4. ~~A six-plex;~~
5. ~~A multi-unit dwelling multiple family dwellings, apartments and townhouses, including accessory services therein, and including more than one dwelling structure on one lot.~~
6. Accessory uses customarily incident to any of the above permitted uses but not including the conduct of a business or industry or any driveway or walk giving access thereto ~~and not including accessory dwelling units.~~ (Ord. 9826-70. Passed 12-2-70; Ord. 10062-73. Passed 2-21-73.)
7. ~~Group Residential Developments. The regulations as set forth in Section 1157.11 shall apply. (Ord. 72-82. Passed 9-1-82.)~~

### **1135.02 Garages**

~~A private garage shall be permitted on the same lot, with or within the building to which it is accessory, and in which garage no business or industry is conducted. In the case of a corner lot, no wall of the garage shall be nearer the street line than the side line of the main building and it shall also be as far from the street line fixed by this Zoning Ordinance for buildings on adjoining lots or as near thereto as the width of the lot will permit. Garage~~

**Commented [TB101]: Recommend:** Chapter 1135 R-C be Eliminated

**Reason:** Comp. Plan Land Use recommendations

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space may be provided for two motor vehicles on any lot and garage space may be provided for each 1,000 square feet of area by which such lot area exceeds 2,000 square feet. In a separate building, no part of any private garage shall be used for resident purposes, except that a domestic employee of the owner, lessee or occupant of the principal building and the family of such employee, may have quarters in such garage. The above provision shall not prevent the location of a garage within an apartment building or within a contiguous building if on the same lot and entirely underground, permitting the storage of one car for each apartment in the building. (Ord. 9826-70. Passed 12-2-70.)

### 1135.03 Height And Bulk Regulations

In the Neighborhood 3 District, the following limitations and requirements shall apply:

| Height and Bulk Standards    |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Standards                |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                              | <u>Lot Area</u>                                  | 9,800 sq. ft. min.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                              | <u>Number of Principal Structures per Lot</u>    | A lot may contain more than 1 principal structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Building Placement Standards |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                              | <u>Front Yard Setback</u>                        | Min. of the average distance of the buildings fronting on the same side of the street within the block; or, where no buildings front on the same side of the street within the block, 25 ft. min.<br>Note: Front steps do not need to conform to this provision                                                                                                                                                                                                                                                                                                      |
|                              | <u>Side Yard Setback of Principal Structures</u> | For one-unit dwellings: 10 ft. min. to any side lot line;<br>For two-unit dwellings and larger:<br>50 ft. min to any side lot line where abutting a Neighborhood 1 District;<br>30 ft. min. to any side lot line where abutting a Neighborhood 2 District;<br>25 ft. min. to any side lot line where abutting any other district;<br>Note however that, for duplexes, triplexes, four-plexes, five-plexes, six-plexes, and multi-unit dwellings, buildings may straddle lot lines<br>30 ft. min. is required between separate residential structures on the same lot |
|                              | <u>Side Yard Setback of Detached Garages</u>     | 5 ft. min.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                              | <u>Rear Yard Setback</u>                         | 40 ft. min.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Other Standards              |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                              | <u>Building Height</u>                           | 35 ft. max., except that churches, hospitals, schools, and any other public building may be built to 60 ft. max.                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

#### Commented [TB102]: 1135.02

**Recommend:** This standard is unnecessarily complicated. Allow garage as accessory use on residential lots; clean up the definition & allow conversion to ADU's;

**Reason:** Comp. Plan housing recommendations

#### Commented [BR103R102]: Clean up include removal here?

Everything with ADUs should be discussed in that sole area?

And Zoning regulations apply the same in all housing districts - so no need to go into details in each individual district?

#### Commented [NN104R102]: Can you say more about "clean up"?

Yes, typically we have a standalone ADU section that spells everything out about ADUs there, including ADU in detached garage scenarios.

Correct, certain zoning regulations apply universally across all districts, so we don't need to elaborate on specifics for each district, as those specifics would be identical.

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1. ~~Height. No building shall exceed thirty-five feet.~~
2. ~~Rear Yards. There shall be a rear yard with a minimum depth of forty feet.~~
3. ~~Side Yards. The minimum width of any side yard adjoining an R-A District shall be fifty feet; thirty-five feet adjoining an R-B District; and twenty feet adjoining an R-C District. Such side yard shall apply only in the case of the multiple family dwellings; side yards for single family dwellings shall be ten feet on each side. There shall be a minimum width of thirty feet between multiple dwellings.~~
4. ~~Setback Line. The regulations as set forth in Section 1131.05 shall apply.~~
5. ~~—~~

| Lot Area                                                   | Square Feet                   |
|------------------------------------------------------------|-------------------------------|
| One family dwelling                                        | 9,800                         |
| Two family dwelling                                        | 14,500                        |
| Three family dwelling                                      | 17,500                        |
| Four family dwelling                                       | 19,500                        |
| Five family dwelling                                       | 21,500                        |
| Six family dwelling                                        | 23,500                        |
| Multiple family dwelling in excess of six family dwellings | minimum lot area of one acre. |

6. ~~Density. There shall be a maximum of twelve family units per acre, and the coverage of the land area, exclusive of accessory buildings shall not exceed thirteen percent.~~
7. ~~Parking. There shall be provided two parking spaces per unit.~~
8. ~~Garage. Detached garages shall be located no nearer than five feet to the property line. (Ord. 9826-70. Passed 12-2-70; Ord. 10062-73. Passed 2-21-73; Ord. 17-09. Passed 6-3-09.)~~

**Commented [TB105]: 1135.03**  
**Recommend:** These provision relate to the R-B zone and are to be Eliminated  
**Reason:** Comp. Plan Land Use recommendations

## Chapter 1137 B-1 Highway Commercial District

- 1137.01 Purpose
- 1137.02 Permitted Uses
- 1137.03 Building Heights
- 1137.04 Required Lot Area
- 1137.05 Percentage Of Lot Coverage
- 1137.06 Yards Required
- 1137.07 Off-Street Parking And Loading
- 1137.08 Signs And Outdoor Advertising

CROSS REFERENCES Height exceptions - see P. & Z. 1157.02 Rear yard measurement - see P. & Z. 1157.03

### 1137.01 Purpose

In order to provide for the needs of the motoring public and to effect an efficient and orderly pattern of commercial development, the B-1 Highway Commercial District is herein provided with the following regulations. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB106]: 1137.01**

**Recommend:** No change

**Reason:** Not related to housing

### 1137.02 Permitted Uses

The following uses shall be permitted in B-1 Districts:

1. Restaurants, drive-in restaurants, ice cream sales and similar related uses.
2. Taverns.
3. Service stations.
4. Garages for repair of motor vehicles within enclosed buildings.
5. Drive-in theaters.
6. Motels, hotels.
7. Automobile (new and used), truck, house trailer, mobile homes and boat sales and service.
8. Business and professional offices of the following types: dentist, doctor, property management, real estate and lawyer offices, photographers, beauty shops and barber shops.

**Commented [TB107]: 1137.02**

**Recommend:** See Diagnostic discussion on housing in commercial zones. Consider allowing multi-family housing as permitted use.

**Reason:** Meet housing goals, provide workforce housing, provide affordable housing near transit along US 422

**Commented [BR108R107]:** Can emergency services (police, fire, etc.) handle and will be okay with this in 422 area?

**Commented [NN109R107]:** This would be a question for those departments. I do not see why it would be an issue for emergency services to cover residential uses in addition to existing commercial uses.

**Commented [NN110R107]:** I have added Multi-unit dwellings to the list of permitted uses in this district.

9. Banks, building and loan associations and branch services of large institutions such as insurance offices and finance companies.
10. Department, furniture, radio and television stores.
11. Private clubs, lodges, social and community center buildings.
12. Grocery stores, pharmacies, fruit and vegetable markets.
13. Undertaking establishment, funeral homes. (Ord. 37-74. Passed 4-24-74.)
14. Storage buildings.
15. Day care centers permitted by Ohio law.
16. Roller/ice skating rinks. (Ord. 05-10. Passed 4-7-10.)
17. Multi-unit dwellings.

#### **1137.03 Building Heights**

No building or structure shall exceed four stories or sixty feet. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB111]: 1137.03**  
**Recommend:** No change  
**Reason:** Not related to housing

#### **1137.04 Required Lot Area**

The minimum lot area required for lots in this district is ten thousand, five hundred (10,500) square feet. (Ord. 05-10. Passed 4-7-10.)

**Commented [TB112]: 1137.04**  
**Recommend:** No change  
**Reason:** Not related to housing

#### **1137.05 Percentage Of Lot Coverage**

The maximum percentage of lot coverage for buildings constructed within this district shall be fifty percent (50%) of the lot. The maximum percentage of lot coverage for impervious surfaces shall be seventy-five percent (75%). (Ord. 05-10. Passed 4-7-10.)

**Commented [TB113]: 1137.05**  
**Recommend:** No change  
**Reason:** Not related to housing

#### **1137.06 Yards Required**

1. Front. The front yard setback building line for all buildings and accessory buildings shall be a minimum of fifty feet from any existing or proposed right-of-way line of any street or road as shown on the officially adopted City Major Thoroughfare Plan. Service stations, all gas pumps, gas pump islands and other similar facilities shall be located no closer than fifty feet from any residential district, and no closer than fifteen feet from any street or highway right-of-way line and shall not be located within a buffer strip.  
Any tire and tube repairing, battery charging and storage of merchandise and

**Commented [TB114]: 1137.06**  
**Recommend:** No change  
**Reason:** Not related to housing

supplies are conducted wholly within a building.

No entrance or exit shall be located within fifty feet of any residence district. (Ord. 9826-70. Passed 12-2-70.)

2. Side. The minimum width of any side yard shall be ten feet (10'), and both side yards shall together be not less than twenty-five feet in order to assure access of fire fighting equipment.

Where such use abuts any residence district, there shall be a side yard clearance on the side abutting the residence district of fifty feet. Such space shall remain open and unoccupied by any building or accessory building or use. (Ord. 05-10. Passed 4-7-10.)

3. Rear. Rear yards shall only be required where such yard abuts any Neighborhood 1, Neighborhood 2, or Neighborhood 3 District ~~residence district~~. In such case, there shall be a rear yard clearance of fifty feet. (Ord. 9826-70. Passed 12-2-70.)

#### **1137.07 Off-Street Parking And Loading**

See Chapter 1153, Off-Street Parking and Loading. (Ord. 9826-70. Passed 12-2-70.)

#### **1137.08 Signs And Outdoor Advertising**

See Section 1157.01. (Ord. 9826-70. Passed 12-2-70.)

## **Chapter 1139 Corridor 1 District ~~B-2 Neighborhood Business District~~**

- 1139.01 Purpose
- 1139.02 Permitted Uses
- 1139.03 Building Heights
- 1139.04 Required Lot Area
- 1139.05 Percentage Of Lot Coverage
- 1139.06 Yards Required
- 1139.07 Off-Street Parking And Loading
- 1139.08 Signs And Outdoor Advertising

CROSS REFERENCES Permitted height - see P. & Z. 1131.05 Height exceptions - see P. & Z. 1157.02 Rear yard measurement - see P. & Z. 1157.03

### **1139.01 Purpose**

For the encouragement of the development of neighborhood shopping areas to serve the day to day convenience and personal service needs of the residents, provisions are herein made for the Corridor 1 District ~~B-2 Neighborhood Business District~~ with the following regulations. (Ord. 9826-70. Passed 12-2-70.)

### **1139.02 Permitted Uses**

The following uses are permitted in the Corridor 1 District ~~B-2 Districts~~:

1. Grocery stores and pharmacies, fruit and vegetable markets.
2. Bakery and candy shops.
3. Beauty shops, barber shops, book stores and butcher shops.
4. Florists, shoe repair shops, studios of photography and painting.
5. Business and professional offices of the following types: dentists, doctor, property management, real estate and lawyer offices.
6. Laundromats.
7. One-unit dwellings, duplexes, triplexes, four-plexes, five-plexes, and six-plexes where situated as residential-only structures or where situated within a structure that also contains one or more non-residential use; Single and two-family dwellings; other multiple unit dwellings up to and including six family dwellings upon the

~~granting of a variance by the Board of Zoning Appeals~~; the regulations as set forth in the Codified Ordinances Section 1133.02 for height-bulk and lot area shall apply for these types of residential and mixed-use structures within this zoning district.

8. ~~Group residential~~ Condominium developments that meet the requirements of the Codified Ordinances Section 1157.11. (Ord. 05-10. Passed 4-7-10.)

### **1139.03 Height and Bulk Regulations ~~Building Heights~~**

In the Corridor 1 District, the following limitations and requirements shall apply:

| <b>Height and Bulk Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                  |                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Lot Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                  |                                                                                                                                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Lot Area</u>                                  | <u>10,500 sq. ft. min.</u>                                                                                                                                                                                                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Number of Principal Structures per Lot</u>    | <u>No lot may contain more than 1 principal structure</u>                                                                                                                                                                           |
| <b>Building Placement Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                  |                                                                                                                                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Front Yard Setback</u>                        | <u>30 ft. min. for principal and accessory buildings</u>                                                                                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Side Yard Setback of Principal Structures</u> | <u>10 ft. min. from each side*; and 25 ft. min. for total of both sides*</u><br><u>Note however that, for duplexes, triplexes, four-plexes, five-plexes, six-plexes, and multi-unit dwellings, buildings may straddle lot lines</u> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Rear Yard Setback</u>                         | <u>30 ft. min. where abutting the Neighborhood 1, Neighborhood 2, or Neighborhood 3 District*; otherwise, 0 ft. min.</u>                                                                                                            |
| <b>Other Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                  |                                                                                                                                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Building Height</u>                           | <u>35 ft. max., except that churches, hospitals, schools, and any other public building may be built to 60 ft. max.</u>                                                                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Lot Coverage</u>                              | <u>50% max. for buildings; and</u><br><u>75% max. for impervious surface coverage</u>                                                                                                                                               |
| <b>Notes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                  |                                                                                                                                                                                                                                     |
| <u>An asterisk (*) in that table above means that, where adjacent to an existing residence or residential district (Neighborhood 1, Neighborhood 2, or Neighborhood 3 District), all buildings with only nonresidential uses shall provide and maintain in a healthy growing condition, along such adjacent property line, a green belt buffer strip of trees and shrubs of not less than twelve feet in width. Such buffer strip may be included in the required side or rear yards.</u> |                                                  |                                                                                                                                                                                                                                     |

~~No building or structure shall exceed the height of buildings in the most restricted residential district. (Ord. 9826-70. Passed 12-2-70.)~~

### **1139.04 Required Lot Area**

~~The minimum lot area required for lots in this district is ten thousand, five hundred (10,500) square feet. (Ord. 05-10. Passed 4-7-10.)~~

### **1139.05 Percentage Of Lot Coverage**

*03-31-2026 Draft of Proposed Changes to  
the Planning and Zoning Code of Niles, Ohio  
(Not Yet Adopted by City Council)*

The maximum percentage of lot coverage for buildings constructed within this district shall be fifty percent (50%) of the lot. The maximum percentage of lot coverage for impervious surface shall be seventy-five percent (75%). (Ord. 05-10. Passed 4-7-10.)

#### **1139.06 Yards Required**

1. ~~Front. The front yard building setback line for all buildings and accessory buildings shall be a minimum of thirty feet from any existing or proposed right of way of any street or road as shown on the officially adopted City Major Thoroughfare Plan. (Ord. 9826-70. Passed 12-2-70.)~~
2. ~~Side:~~
  1. ~~Where a lot does not abut a residence district lot, the minimum width of any side yard shall be ten feet (10'), and both side yards shall together be not less than twenty-five feet (25').~~
  2. ~~Where a lot abuts any residence district lot, and subject to any requirements of Section 1157.12 (Buffer Zone Requirements), there shall be a side yard clearance on the side abutting the residence district of thirty feet (30').~~
3. ~~Rear. Rear yards shall only be required where such yard abuts any residence district. Subject to the requirements of Section 1157.12 (Buffer Zone Requirements), there shall be a rear yard of thirty feet (30'). (Ord. 05-10. Passed 4-7-10.)~~
4. ~~Where adjacent to an existing residence or residential district, all nonresidential uses shall provide and maintain in a healthy growing condition, along such adjacent property line, a green belt buffer strip of trees and shrubs of not less than twelve feet in width. Such buffer strip may be included in the required side or rear yards. (Ord. 9826-70. Passed 12-2-70.)~~

#### **1139.07 Off-Street Parking And Loading**

See Chapter 1153, Off-Street Parking and Loading. (Ord. 9826-70. Passed 12-2-70.)

#### **1139.08 Signs And Outdoor Advertising**

Signs pertaining to the sale of goods and services conducted on the premises shall be permitted provided such signs are attached to the building, that such signs do not extend above or beyond the building more than three feet, and that such signs do not exceed ten square feet in area.

Signs or outdoor advertising pertaining to goods or services produced or sold elsewhere than on the premises shall be prohibited. (Ord. 9826-70. Passed 12-2-70.)

## Chapter 1141 B-3 General Commercial District

- 1141.01 Permitted Uses
- 1141.02 Height And Bulk
- 1141.03 Required Lot Area
- 1141.04 Percentage Of Lot Coverage
- 1141.05 Yards Required
- 1141.06 Off-Street Parking And Loading
- 1141.07 Signs And Outdoor Advertising

CROSS REFERENCES Height exceptions - see P. & Z. 1157.02 Rear yard measurement - see P. & Z. 1157.03

### 1141.01 Permitted Uses

Within any B-3 General Commercial District, no building, structure or premises shall be used or arranged or designed to be used in any part except for one or more of the following uses:

- ~~1. Upon the granting of a variance by the Board of Zoning Appeals, any use permitted in an R-A Residence District, R-B Residence District or R-C Residence District. (Ord. 05-10. Passed 4-7-10.)~~
2. Retail stores and businesses.
3. Advertising signs, structures or billboards.
4. Amusement establishments such as billiard or pool hall or bowling alley, provided such establishment is located and conducted within a completely enclosed building and is not located nearer than 100 feet to any residence district.
5. Auditorium.
6. Art or antique shop. (Ord. 9826-70. Passed 12-2-70.)
7. Automobile service station, provided:
  1. Any tire and tube repairing, battery charging and storage are conducted wholly within a building.
  2. No entrance or exit shall be located within 50 feet of any residence district. (Ord. 25-16. Passed 6-15-16.)

#### Commented [TB115]: 1141.01

**Recommendation:** See Diagnostic discussion on housing in commercial zones. Consider allowing multi-family housing as permitted use.

**Reason:** Meet housing goals, provide workforce housing, provide affordable housing near transit along US 422

#### Commented [INN116]: 1141.01

**Recommendation:** Create a separate district for the Eastwood Mall area, allowing high-density housing uses.

**Rationale:** Per conversation with steering committee.

**Commented [BR117R116]:** This should definitely be considered and looked into.

**Commented [NN118R116]:** We have generated a separate district for the Eastwood Mall. See the proposed zoning map and the Chapter 1146, which is the new Eastwood Mall District.

**Commented [NN119]:** Multi-unit dwellings were not added to this list per comment from Bianca.

#### Commented [TB120]: 1141.01.1

**Recommendation:** Possibly revise per the comment above. Delete references to discontinued zoning districts.

**Reason:** Coordinate with new housing zones

8. Automobile sales room and service establishment, provided any such services for repairs shall be entirely located within a building.
9. Bakery.
10. Barber shop, beauty parlor.
11. Bank.
12. Book store.
13. Baseball or football stadium.
14. Baths, Turkish or Swedish or similar establishments.
15. Bird store or pet shop; taxidermist.
16. Business college.
17. Blueprinting or photostating.
18. Carpenter or cabinet shop.
19. Catering establishment.
20. Confectionery store.
21. Drug store.
22. Dry goods or notions store.
23. Dry cleaning and pressing establishment, provided only nonexplosive and nonflammable fluid is utilized.
24. Department store, furniture store, radio store.
25. Drive-in business where persons are served food or where purchases can be made from an automobile.
26. Feed or fuel store, wholly within a building.
27. Florist or gift shop.
28. Film exchange.
29. Frozen food locker not including wholesale cold storage.
30. Hardware or electric appliance store.

31. Grocery, fruit or vegetable store.
32. Hotel, motel.
33. Ice storage house of not more than five tons capacity.
34. Interior decorating shop.
35. Jewelry store.
36. Laundry.
37. Medical or dental clinic and laboratory.
38. Meat market, delicatessen store.
39. Music conservatory or music instruction.
40. Newsstands.
41. Office, business or professional.
42. Pawnshop.
43. Plumbing or sheet metal shop, if conducted wholly within a completely enclosed building.
44. Printing, lithographing or publishing.
45. Photographer.
46. Public garage, public parking area.
47. Restaurant, tea room, cafe, tavern.
48. Shoe store, shoe repair shop.
49. Second-hand store, if conducted wholly within a completely enclosed building.
50. Sign painting shop.
51. Studio.
52. Theater.
53. Tailor, clothing or wearing apparel shop.
54. Tire shop.

~~55. Tourist court.~~

56. Trade or commercial school, provided there are no objectionable features such as noise, odor or vibration.

57. Undertaking establishment, funeral home.

58. Upholstering shop.

59. Used car sales, provided if such use is not located in a building and also located on any lot adjoining a residence district, such use shall be screened from such residence district by a fence or wall seven feet high and further provided no such sales lot shall be illuminated after 10:00 p.m.

60. Wholesale merchandise broker, excluding wholesale storage.

61. Other uses which in the judgment of the Board of Zoning Appeals are of the same general character as those listed in this section and which will not be detrimental to the district in which they are located.

62. Uses customarily incident to any of the above uses when located on the same lot, provided:

1. There shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail upon the premises.
2. There shall be no killing of livestock.
3. Such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
4. Accessory buildings located on the same lot. (Ord. 9826-70. Passed 12-2-70.)

63. ~~Group Condominium Residential~~ Developments. The regulations as set forth in Section 1157.11 shall apply. (Ord. 72-82. Passed 9-1-82.)

64. Storage buildings.

65. Day care centers permitted by Ohio law.

66. Roller/ice skating rinks. (Ord. 05-10. Passed 4-7-10.)

**1141.02 Height And Bulk**

03-31-2026 Draft of Proposed Changes to  
the Planning and Zoning Code of Niles, Ohio  
(Not Yet Adopted by City Council)

**Commented [TB121]: 1141.02**  
**Recommendation:** No change  
**Reason:** Not related to housing

No building may be built to a height exceeding one and one-half times the width of the street upon which the building fronts. Buildings may exceed this height limit provided the portion of the building in excess of the above height limit is set back from every street and lot line one foot for every additional three feet of height. The height limitations of the street upon which the building fronts shall govern for a distance of 120 feet along a narrower intersecting street. (Ord. 9826-70. Passed 12-2-70.)

#### **1141.03 Required Lot Area**

The minimum lot area required for lots in this district is ten thousand, five hundred (10,500) square feet. (Ord. 05-10. Passed 4-7-10.)

#### **1141.04 Percentage Of Lot Coverage**

The maximum percentage of lot coverage for buildings constructed within this district shall be fifty percent (50%) of the lot. The maximum percentage of lot coverage for impervious surface shall be seventy-five percent (75%). (Ord. 05-10. Passed 4-7-10.)

#### **1141.05 Yards Required**

1. Front. The front yard building setback line for all buildings and accessory buildings facing a road, street or highway with no more than three (3) lanes of traffic shall be a minimum of thirty feet (30'). The front yard building setback line for all buildings and accessory buildings facing a road, street or highway with more than three (3) lanes of traffic shall be a minimum of fifty feet (50').

2. Side. The minimum width of any side yard shall be ten feet (10'), and both side yards shall together be not less than twenty-five feet (25') in order to assure access of fire fighting equipment.

Where a lot abuts any residence district lot, and subject to any requirements of Section 1157.12 (Buffer Zone Requirements), there shall be a side yard clearance on the side abutting the residence district of thirty feet (30') (Ord. 05-10. Passed 4-7-10.)

- ~~3. Courts. Where a building is designed for both commercial and dwelling purposes, outer courts may be substituted in lieu of side yards for that part of the building used for dwelling purposes. At any given level such outer court shall be six inches in width for each foot of height of the highest wall abutting such outer court, but in no case shall such width be less than five feet. Any outer court shall be at least one and one-half times as long as it is wide.~~  
~~Whenever any room in which people live or sleep cannot be lighted and ventilated~~

**Commented [TB122]: 1141.03**  
**Recommendation:** No change  
**Reason:** Not related to housing

**Commented [TB123]: 1141.04**  
**Recommendation:** No change  
**Reason:** Not related to housing

**Commented [TB124]: 1141.05**  
**Recommendation:** No change  
**Reason:** Not related to housing, except as noted

from a street, rear yard, side yard or outer court, an inner court must be provided. At any given level such inner court, shall be at least nine inches wide for each foot of height of the highest wall abutting such inner court, but in no case shall any inner court be less than ten feet wide nor less in length than one and one-half times the width.

4. Rear. Rear yards shall only be required where such yard abuts any residence district. In such cases rear yards shall be a minimum of thirty feet. Such space shall remain open and unoccupied by any building or accessory building.

Any building designed exclusively for residence purposes within any commercial district shall have provided on the lot with such building, a rear yard, the minimum depth of which shall be thirty feet, which depth shall be increased by five feet for each additional story above the first story. In any commercial district, any building used for both residence and commercial purposes shall have a rear yard for the portion of the building used for residence purposes which rear yard shall have a minimum depth of twenty feet which depth shall be increased by four feet for each story above the first story. (Ord. 9826-70. Passed 12-2-70.)

An accessory building not over twelve feet (12') high at the eaves may be located in the rear yard, provided such building occupies not more than twenty-five percent (25%) of the area of the rear yard, and provided any such detached accessory building is located at least ten feet (10') from the furthest projection of the main building and is at least five feet (5') from any lot line. (Ord. 05-10. Passed 4-7-10.)

#### 1141.06 Off-Street Parking And Loading

See Chapter 1153, Off-Street Parking and Loading. (Ord. 9826-70. Passed 12-2-70.)

#### 1141.07 Signs And Outdoor Advertising

See Section 1157.01. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB125]: 1141.05.3**

**Recommendation:** Consider deleting "Courts" - not relevant with current building codes and building technologies

**Reason:** Not related to housing

**Commented [BR126R125]:** I agree

**Commented [TB127]: 1141.05.4**

**Recommendation:** Evaluate this section as it relates to recommendation to allow multi-family housing in commercial zones along US 42

**Reason:** Coordinate with housing goals

**Commented [NN128R127]:** Nolan edit: Route 422.

**Commented [NN129R127]:** Bianca, if we are permitting multi-unit residences here, we can include these provisions. Otherwise, we can omit this paragraph.

**Commented [BR130R127]:** Provisions should stay unless reason to remove/change in terms of Pro-Housing.

## Chapter 1143 B-4 Shopping Center District

- 1143.01 Purpose
- 1143.02 Permitted Uses
- 1143.03 Accessory Uses Permitted
- 1143.04 Building Height Limit
- 1143.05 Minimum Lot Area
- 1143.06 Percentage Of Lot Coverage
- 1143.07 Yards Required
- 1143.08 Off-Street Parking And Loading
- 1143.09 Required Procedure
- 1143.10 Delay In Construction

CROSS REFERENCES Height exceptions - see P. & Z. 1157.02

### 1143.01 Purpose

The B-4 Shopping Center District is provided for the development of shopping centers with the following regulations. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB131]: 1143.01**  
**Recommendation:** No change  
**Reason:** Not related to housing

### 1143.02 Permitted Uses

The following uses are permitted in B-4 Districts:

1. Retail business.
2. Professional offices and services.
3. Banking offices.
4. Cafe, restaurant or other places for serving food or beverage.
5. Services such as laundry pick-up stations.
6. Parking area for shoppers or persons using the permitted facilities.
7. Service stations, subject to the regulations contained in Chapter 1137. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB132]: 1143.02**  
**Recommendation:** No change  
**Reason:** Not related to housing. This zone is only applied to a few parcels. Do not recommend allowing residential use in this zone.

**Commented [NN133]:** Bianca, do you want to allow multi-unit residences here, too, or only in the highway commercial district?

**Commented [BR134R133]:** My thought - is only Highway Commercial.

NEED DUKE & MATT thoughts.

**Commented [NN135R133]:** Yes, according to an email from Bianca, we will NOT be allowing multi-unit dwellings in the B-4 District.

### 1143.03 Accessory Uses Permitted

The following accessory uses are permitted in B-4 Districts:

**Commented [TB136]: 1143.03**  
**Recommendation:** No change  
**Reason:** Not related to housing

1. Customary uses incidental to a permitted use, except for outdoor storage.
2. Non-flashing signs pertaining to permitted uses and located on the same lot.
3. Spot lighting of buildings on the same lot, provided such lights are shaded and so located that beams are directed away from any residential district and any public highway. (Ord. 9826-70. Passed 12-2-70.)

#### **1143.04 Building Height Limit**

No building shall be erected to a height in excess of 100 feet. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB137]: 1143.04**  
**Recommendation:** No change  
**Reason:** Not related to housing

#### **1143.05 Minimum Lot Area**

No building or use shall be erected or located on a lot having an area of less than five acres. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB138]: 1143.05**  
**Recommendation:** No change  
**Reason:** Not related to housing

#### **1143.06 Percentage Of Lot Coverage**

Any principal or accessory buildings shall not cover more than thirty percent of lots. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB139]: 1143.06**  
**Recommendation:** No change  
**Reason:** Not related to housing

#### **1143.07 Yards Required**

1. Front. Front yards shall be a minimum depth of 100 feet from any existing street right-of-way line. For lots fronting on a street shown on the officially adopted Major Thoroughfare Plan, the front yard shall be 100 feet from the proposed right-of-way line, or any subsequent revisions thereof.
2. Side. A side yard of at least twenty feet on each side shall be provided on each lot. Such space shall remain open and unoccupied by any principal or accessory structure or use.  
Where a side yard abuts any residential district, a side yard of at least fifty feet shall be provided. Such space shall remain open and unoccupied by any structure. A ten foot strip adjoining all residential districts shall be maintained as a landscaped buffer area. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB140]: 1143.07**  
**Recommendation:** No change  
**Reason:** Not related to housing

#### **1143.08 Off-Street Parking And Loading**

See Chapter 1153, Off-Street Parking and Loading. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB141]: 1143.08**  
**Recommendation:** No change  
**Reason:** Not related to housing

#### **1143.09 Required Procedure**

**Commented [TB142]: 1143.09**  
**Recommendation:** No change  
**Reason:** Not related to housing

The B-4 Shopping Center District shall be developed as a unit in accordance with a plan properly filed with and approved by the Planning Commission in accordance with the provisions of this Zoning Ordinance. The plan shall include the following requirements:

1. Site plan showing location and dimensions of all proposed buildings, parking areas, means of ingress and egress with access streets where required, loading spaces, location and size of signs.
2. A report on the market to be served, economic justification of the project and types and amount of services needs.
3. Traffic surveys prepared showing:
  1. Proposed effect of the shopping center on adjacent streets and properties.
  2. Anticipated points of origin.
  3. Anticipated direction and amount of traffic flow to and from the shopping center.
4. A report showing the financial ability to complete construction, including landscaping, in accordance with the plan and requirements of this Zoning Ordinance. (Ord. 9826-70. Passed 12-2-70.)

#### **1143.10 Delay In Construction**

If the physical construction of the shopping center is not started within twelve (12) months after the approval by the Building Inspector, the original permits shall be revoked and application for new permits must be made before construction may continue. (Ord. 05-10. Passed 4-7-10.)

**Commented [TB143]: 1143.10**  
**Recommendation:** No change  
**Reason:** Not related to housing

## **Chapter 1145 ~~Downtown District B-5 Office-Institutional District~~**

- 1145.01 Established
- 1145.02 Permitted Uses
- 1145.03 Heights
- 1145.04 Rear Yards
- ~~1145.05 Side Yards~~
- ~~1145.06 Setback~~
- 1145.07 Floor Area Ratio
- 1145.08 Off-Street Parking And Loading
- 1145.09 Signs

CROSS REFERENCES Rear yard measurement - see P. & Z. 1157.03 Height exceptions - see P. & Z. 1157.02

### **1145.01 Established**

The ~~Downtown District B-5 Office-Institutional District~~ is herein created with the following regulations. (Ord. 9826-70. Passed 12-2-70.)

### **1145.02 Permitted Uses**

In the ~~Downtown District a B-5 Office-Institutional District~~, any lot may be used for one or more than one of the following principal uses, together with its customary accessory uses:

1. ~~Offices, for the conduct of any of the following uses, provided that no merchandise is sold, stocked or displayed on the premises:~~
  1. ~~Finance and insurance; banks; savings and loan associations; personal credit agencies; insurance offices or agencies.~~
  2. ~~Real estate; brokers or agents.~~
  3. ~~Professional; attorneys; engineers; architects; accountants; bookkeepers; auditors.~~
  4. ~~Medical services; physicians; dentists; chiropractors; veterinarians (handling small animals only);~~
  5. ~~Business services; advertising agencies; answering services; credit bureaus; employment agencies.~~

**Commented [TB144]:** Chapter 1145 B-5  
**Recommendation:** No change  
**Reason:** Not related to housing  
(Note: I did not find any land zoned B-5 on the Zoning Map?)

**Commented [BR145R144]:** Correct. - Should this district possibly be removed?

**Commented [NN146R144]:** Perhaps this district should be removed, yes, but it would be beyond the scope of this housing-oriented project.

**Commented [NN147R144]:** This zone was converted to the Downtown District.

~~6.—Professional and business organizations; professional membership organizations; business associations; labor unions.~~

~~7.—Civic and fraternal organizations.~~

~~8.—Government.~~

2. Hospitals, clinics, medical laboratories.
3. Funeral homes.
4. Colleges, universities, professional schools, public, private and parochial elementary and secondary schools.
5. Churches and other places of worship.
6. Nonprofit settlement houses, community centers, health and welfare agencies.  
(Ord. 9826-70. Passed 12-2-70.)
7. Multi-unit dwellings.
8. Hotels and inns.
9. Banquet or conference centers.
10. Retail business.
11. Cafe, restaurant or other places for serving food or beverage.
12. Services, including entertainment services and movie theaters.
13. Parks, playgrounds, sports fields and courts, and non-motorized recreational trails.
14. Parking area for shoppers or persons using the permitted facilities.

#### **1145.03 Heights**

~~There shall be no maximum height for structures except as controlled by Section 1145.07—Floor Area Ratio. (Ord. 9826-70. Passed 12-2-70.)~~

No structure shall exceed 150 feet in height.

#### **1145.04 Rear Yards**

Every lot shall have a rear yard with an average depth of at least thirty feet; except that lots that abut a rear alley shall not be required to supply such a rear yard. Such rear yard shall

be kept open and unoccupied by any structure or use, except that rear yards may be used for parking and temporary waste storage. (Ord. 9826-70. Passed 12-2-70.)

#### **1145.05 Side Yards**

~~Any lot occupied by a dwelling shall have two side yards. The total width of the two side yards shall be at least fifteen feet and the width of the smaller of the two yards shall be at least five feet. (Ord. 9826-70. Passed 12-2-70.)~~

#### **1145.06 Setback**

~~All structures shall be erected to maintain a setback from the front street right-of-way line of fifty feet or on a setback line with the surrounding residential properties. The area within the setback shall be kept open and unoccupied by any structure or use. (Ord. 9826-70. Passed 12-2-70.)~~

#### **1145.07 Floor Area Ratio**

~~The ratio of the total floor area of any structure to the total area of the lot on which it is located shall not exceed 0.50 to 1.00. The outside dimensions of the structure shall be used to compute the area of each floor and the total area of all floors, other than basements or attics used for storage and maintenance, shall be computed. In computing lot area, only that portion of the lot located in a B-5 Office-Institutional District shall be considered. (Ord. 9826-70. Passed 12-2-70.)~~

#### **1145.08 Off-Street Parking And Loading**

See Chapter 1153, Off-Street Parking and Loading. (Ord. 9826-70. Passed 12-2-70.)

#### **1145.09 Signs**

Self-lighted, non-intermittent, non-flashing signs having a total surface area of not more than twenty-four square feet may be provided. All signs shall be located within the building area. (Ord. 9826-70. Passed 12-2-70.)

## **Chapter 1146 B-6 Mall District**

1146.01 Established

1146.02 Permitted Uses

1146.03 Building Height Limits

1146.04 Setback

1146.05 Floor Area Ratio

1146.06 Off-Street Parking And Loading

1146.07 Signs

1146.08 Required Procedure

### **1146.01 Established**

The B-6 Mall District is herein created with the following regulations.

The B-6 Mall District is designed to provide a mixed-use environment that enhances the City's economic, social, and cultural vitality by integrating the uses allowed in Section 1146.02 – Permitted Uses. The Mall District proposes to:

1. Promote a diverse mix of uses that attract businesses, create jobs, and contribute to long-term economic resilience while generating consistent activity throughout the year.
2. Create a dynamic urban environment where people can live, work, and play, offering a range of housing, employment, and leisure opportunities to meet diverse community needs.
3. Integrate cultural, social, and recreational amenities that strengthen the city's sense of community and provide spaces for engagement and interaction.
4. Allow for adaptive development that responds to changing market trends and evolving community needs, ensuring long-term sustainability and relevance.
5. Promote vehicular and pedestrian accessibility where applicable to ensure practical accessibility without compromise to safety.

### **1146.02 Permitted Uses**

In the B-6 Mall District, no lot or portion thereof may be used for any purpose except for one or more than one of the below listed principal uses, together with its/their customary accessory uses:

1. Upon the granting of a variance by the Board of Zoning Appeals, any use permitted in an R-A Residence District, R-B Residence District or R-C Residence District.
2. Offices.
3. Residential.
4. Multi-unit dwellings.
5. Hospitals, clinics, medical laboratories.
6. Professional, Medical, and General Office.
7. Assisted Care
8. Funeral homes.
9. Educational including colleges, universities, professional schools, public, private and parochial elementary and secondary schools.
10. Churches and other places of worship.
11. Nonprofit settlement houses, community centers, support services, and health and welfare agencies.
12. Hotels, Motels, and inns.
13. Banquet or conference centers.
14. Retail business.
15. Cafe, restaurant or other places for serving food or beverage.
16. Services, including entertainment services, movie theaters, and recreation.
17. Parks, playgrounds, sports fields and courts, and non-motorized recreational trails.
18. Parking area for shoppers or persons using the permitted facilities.
19. Gasoline and Charging Station.
20. Government and Institutional.
21. Manufacturing.
22. Motor Vehicle Sales and Services.
23. Any use not listed above that is not prohibited by law.

#### **1146.03 Building Height Limits**

-see (1141.02 Height And Bulk) No building may be built to a height exceeding one and one-half times the width of the street upon which the building fronts. Buildings may exceed this height limit provided the portion of the building in excess of the above height limit is set back from every street and lot line one foot for every additional three feet of height. The height limitations of the street upon which the building fronts shall govern for a distance of 120 feet along a narrower intersecting street. (Ord. 9826-70. Passed 12-2-70.)

-see (1157.02 Height Exceptions) Parapet walls not exceeding four feet in height, chimneys, ventilators, cooling towers, elevators, bulkheads, tanks, radio towers,

ornamental towers, monuments, cupolas, domes and spires may be erected above the height limits herein established.

#### **1141.03 Required Lot Area**

The minimum lot area required for lots in this district is ten thousand, five hundred (10,500) square feet

#### **1141.04 Percentage Of Lot Coverage**

There will be no lot coverage restrictions in the Mall District.

#### **1146.04 Setback**

1. Front. The front yard building setback line for all buildings and accessory buildings facing a road, street or highway with no more than three (3) lanes of traffic shall be a minimum of thirty feet (30'). The front yard building setback line for all buildings and accessory buildings facing a road, street or highway with more than three (3) lanes of traffic shall be a minimum of fifty feet (50'), or a setback in line with the surrounding residential structures or other existing structures or properties.
2. Side. The minimum width of any side yard shall be ten feet (10'), and both side yards shall together be not less than twenty-five feet (25') in order to assure access of firefighting equipment.  
Where a lot abuts any residence district lot, and subject to any requirements of Section 1157.06 (Buffer Zone Requirements), there shall be a side yard clearance on the side abutting the residence district of thirty feet (30')
3. Rear. Rear yards shall only be required where such yard abuts any residence district. In such cases rear yards shall be a minimum of thirty feet. Such space shall remain open and unoccupied by any building or accessory building.  
Any building designed exclusively for residence purposes within the Mall District shall have provided on the lot with such building, a rear yard, the minimum depth of which shall be thirty feet. In any Mall District, any building used for both residence and commercial purposes shall have a rear yard for the portion of the building used for residence purposes which rear yard shall have a minimum depth of twenty feet.
4. In the mall district, unless otherwise provided for, the measurement of the depth of a rear yard may be made to the center line of an alley, should an alley exist at the rear of the premises.

An accessory building not over twelve feet (12') high at the eaves may be located in the rear yard, provided such building occupies not more than twenty-five percent (25%) of the area of the rear yard, and provided any such detached accessory building is located at least ten

feet (10') from the furthest projection of the main building and is at least five feet (5') from any lot line.

#### **1146.05 Floor Area Ratio**

There shall be no Floor Area Ratio restriction in the Mall District.

#### **1146.06 Off-Street Parking And Loading**

While shared parking among businesses is strongly encouraged in the mall district, off street parking and loading will be subject to the requirements of Chapter 1153.

#### **1146.07 Signs**

All signage erected on structures or areas facing a road, street or highway shall be subject to City of Niles Codified Ordinance, See Section 1157.01. (Ord. 9826-70. Passed 12-2-70.)

1. Permits must be obtained from the City of Niles for any new signs or any replacement signs within the mall district.
2. All signs erected or replaced within the mall district will be subject to approval by the property owner.

#### **1146.08 Required Procedure**

The B-6 Mall District shall be developed as a unit in accordance with a plan properly filed with and approved by the Planning Commission in accordance with the provisions of this Zoning Ordinance. The plan shall include the following requirements:

1. Site plan showing location and dimensions of all proposed buildings, parking areas, means of ingress and egress with access streets where required, loading spaces, location and size of signs.
2. A report on the market to be served, economic justification of the project and types and amount of service needs.
3. Traffic surveys prepared showing:
  1. Proposed effect of the shopping center on adjacent streets and properties.
  2. Anticipated points of origin.
  3. Anticipated direction and amount of traffic flow to and from the shopping center.
4. A report showing the financial ability to complete construction, including landscaping, in accordance with the plan and requirements of this Zoning Ordinance.

## **Chapter 1149 Industrial And Heavy Manufacturing Districts**

1149.01 Industrial District Prohibited Uses

1149.02 Height, Rear Yards, ~~Courts~~, Side Yards And Setback Line

1149.03 Heavy Manufacturing Districts

CROSS REFERENCES Variances - see P. & Z. 1113.05(d) Off-street parking - see P. & Z. Ch. 1153

### **1149.01 Industrial District Prohibited Uses**

Within an Industrial District, no building, structure or premises shall be used or arranged or designed to be used in any part for any of the following uses:

1. Aluminum, brass, copper, iron or steel foundry or works.
2. Acetylene gas manufacture in excess of fifteen pounds pressure per square inch.
3. Ammonia, bleaching powder or chlorine manufacture.
4. Asphalt manufacture or refining.
5. Auto wrecking.
6. Blast furnace.
7. Boiler works or forge works.
8. Brick, tile or terra cotta manufacture.
9. Celluloid manufacture, treatment or storage.
10. Coke manufacture.
11. Creosote manufacture or treatment.
12. disinfectant or insecticide manufacture.
13. Distillation of bones, coal, tar or wood.
14. Dyestuff manufacture.
15. Dyeing at wholesale.
16. Fat rendering.

**Commented [TB148]: 1149.01**  
**Recommendation:** No change  
**Reason:** Not related to housing

17. Fertilizer manufacture.
18. Gas (heating or illuminating) manufacture or storage except where such gas is to be entirely consumed on the same premises.
19. glue, gelatin or size manufacture.
20. Incineration or reduction of dead animals, garbage, offal or refuse other than garbage, offal or refuse accumulated and consumed without odor on the same premises.
21. Lamp black manufacture.
22. Match manufacture.
23. Lime, cement or plaster of Paris manufacture.
24. Oilcloth or linoleum manufacture.
25. Pickle, sausage, sauerkraut or vinegar manufacture.
26. Paint, oil, varnish or turpentine manufacture.
27. Paper and pulp manufacturing by sulphide processes emitting noxious gasses or odors.
28. Printing ink manufacture.
29. Rayon or cellophane manufacture.
30. Refining of petroleum or other crude materials.
31. Rolling mill.
32. Rubber manufacture from crude materials.
33. Shoddy manufacture.
34. Soda ash, caustic soda and washing compound manufacture.
35. Slaughtering of animals, exclusive of poultry killing.
36. Smelting.
37. Soap manufacture.
38. Starch, glucose, dextrine manufacture

39. Stock yards.
40. Storage or balling of scrap paper, rags, scrap, metals or any type of salvage materials.
41. Storage of dismantled automobiles or any form of junk.
42. Sugar refining.
43. Sulphureous, sulphuric, nitric or hydrochloric acid manufacture.
44. Tallow, grease or lard manufacture or refining.
45. Tanning or curing of leather, raw hides or skins or storage of raw hides or skins.
46. Tar distillation or manufacture.
47. Tar roofing or tar waterproofing manufacture.
48. Tobacco manufacturing or treatment for chewing purposes.
49. Wool scouring, hair manufacture.
50. Yeast manufacture.
51. Any other trade, industry or use that is injurious, noxious, offensive, or hazardous by reason of the emission of odor, dust fumes, smoke, noise or vibration. (Ord. 9826-70. Passed 12-2-70; Ord. 10225-73. Passed 12-5-73.)

#### **1149.02 Height, Rear Yards, ~~Courts~~, Side Yards And Setback Line**

The provisions of Chapter 1141, for B-3 General Commercial Districts, shall apply. (Ord. 9826-70. Passed 12-2-70.)

#### **1149.03 Heavy Manufacturing Districts**

1. **Uses Permitted.** Any normal industrial or manufacturing use provided that such use is not noxious, dangerous or offensive by reason of the emission of odor, rust, smoke, gas, noise, flame or vibration. It is further specifically provided that no new junk yards or scrap metal processing facilities, as defined in Section 729.05 shall be permitted in the City from and after the effective date of this ordinance. (Ord. 46-81. Passed 7-1-81.)
2. **Height, Rear Yards, ~~Courts~~, Side Yards and Setback Line; Off-Street Parking and Loading.** The provisions of Chapter 1141, for B-3 General Commercial Districts shall

**Commented [TB149]: 1149.02**  
**Recommendation:** No change  
**Reason:** Not related to housing

**Commented [TB150]: 1149.03.1**  
**Recommendation:** Coordinate with 1113.05(4) regarding workforce housing  
**Reason:** Allow Workforce Housing

**Commented [BR151R150]:** I agree.

**Commented [NN152R150]:** This was talked about, and we have decided that the City offers adequate workforce-type housing in the vicinity of the Heavy Manufacturing District. Therefore, we do not need to provide housing opportunities here.

**Commented [NN153R150]:** Bianca, Should we list "Residential uses in use prior to May 31, 2026" as a permitted use, to encompass the many homes in the Industrial and the Heavy Manufacturing District?

apply; except that the provisions of Chapter 1153, Off-Street Parking and Loading shall apply as to Off-Street Parking and Loading requirements.

3. **Scrap Metal Processing Facility.**

1. **Defined.** "Scrap metal processing facility" means an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale or remelting purposes.
2. **Lot area required.** A lot area of ten acres is required.
3. **Setback from all abutting City streets and thoroughfares.** Such facility must be set back 100 feet from all abutting City streets and thoroughfares.
4. **Side yard requirements.** Where the use abuts any residence district there shall be a side yard clearance abutting the residence district of fifty feet. Such space shall remain open and nonoccupied by any building or storage.
5. **Rear yards.** Where such yards abut any residence district, there shall be a rear yard clearance of fifty feet.
  1. Where adjacent to an existing residence or residential district all nonresidential uses shall provide and maintain in a healthy growing condition along such adjacent property line, a green belt buffer strip of trees and shrub of not less than twelve feet in width.
  2. Any scrap metal processing facility shall install a fence or barrier at least six feet in height constructed of nontransparent material and maintained so as to obscure the scrap material stored from the ordinary view of persons passing upon City streets and thoroughfares.

4. **Prohibited Uses.**

1. **Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, rubbish, offal or dead animals.**
2. **Junkyards, automobile graveyards or places for the collection or sale of paper, rags, glass, salvage or junk for salvage or storage purposes. (Ord. 263-77. Passed 8-3-77.)**

**Commented [TB154]: 1149.03.3**  
**Recommendation:** No change  
**Reason:** Not related to housing

**Commented [TB155]: 1149.03.4**  
**Recommendation:** No change  
**Reason:** Not related to housing

## Chapter 1153 Off-Street Parking And Loading

1153.01 Determination Of Spaces

1153.02 Use And Required Parking Space

1153.03 Driveways

1153.04 Commercial And Industrial Districts

1153.05 Loading Space Requirements

CROSS REFERENCES Off-street parking facilities - see Ohio R. C. 717.05 et seq. Variances - see P. & Z. 1113.05(k)

### 1153.01 ~~Determination Of Spaces~~ General Parking Requirements

In all zoning districts, ~~required off-street parking facilities for the storage or parking of self-propelled vehicles for use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this section;~~ shall be provided and maintained as herein prescribed.

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1. ~~In determining the number of parking spaces required, if such spaces result in fractional parts thereof, When the calculation of required parking spaces results in a fractional part, the number of such spaces required fractional part shall be disregarded, construed to be the nearest whole number.~~
2. Whenever a use requiring off-street parking is increased in floor space, additional parking spaces shall be provided in the amounts hereafter specified for that use, if the ~~total existing~~ parking spaces ~~are~~ inadequate to serve the increased floor area.
3. For the purpose of ~~calculating required parking spaces for non-residential uses~~ this Zoning Ordinance, "floor area", in the case of offices, merchandising or service types of uses, means the gross floor area of the structure.
4. ~~Off-street parking facilities for one and two-family dwellings shall be located on the same lot or plot of ground as the building served. Off-street parking facilities for other than one and two-family dwellings shall be within 300 feet of the entrance to the building intended to be served. An industry~~
- 4.5. A business which employs 500-100 or more employees may supply off-street parking at a distance greater than 300 feet from ~~the employee building entrances~~ such industry upon approval of the Commission.

**Commented [TB156]: 1153.01:**  
**Recommendation:** Simplify  
**Reason:** Clarity and defensibility

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**Commented [TB157]: 1153.01.1**  
**Recommendation:** Simplify by eliminating fractional part of parking required.  
**Reason:** Consistent with Comprehensive Plan and Active Transportation Plan goals for increased pedestrian and bicycling and less land occupied by parking spaces.

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**Commented [TB158]: 1153.01.4**  
**Recommendation:** Coordinate this with new residential zones  
**Reason:** Consistency

~~5-6.~~ The off-street parking requirements for uses not specifically mentioned herein, shall be the same as those required for uses of a similar nature.

~~6-7.~~ ~~Collective Shared~~ off-street parking facilities lots may be provided; however, ~~such facilities~~ the number of parking spaces provided in the shared parking lot shall be no less than the sum of ~~such facilities~~ the parking spaces required for each use, ~~as would otherwise be individually required.~~

~~7-8.~~ The ~~amount~~ number of off-street parking space required for ~~each uses,~~ buildings or additions thereto shall be determined according to the following requirements, and the space so required shall be stated in the application for a building permit and shall be reserved for such use. (Ord. 9826-70. Passed 12-2-70.)

#### **1153.02 Use And Required Parking Space Calculation of Minimum Required Off-Street Parking Spaces**

- ~~1. One and two-family dwellings or mixed occupancy: For any dwelling use except an accessory dwelling unit: Two (2) off-street parking spaces per dwelling unit are required to be provided on the lot for each dwelling unit.~~
- ~~2. Multi-unit dwellings: Two (2) parking spaces for each dwelling unit. For multi-family dwellings containing 4 or fewer dwelling units, if the Zoning Administrator determines that adequate on-street parking exists within 300 feet of the multifamily building, the Zoning Administrator may reduce the off-street parking requirements.~~
3. Tourist homes or cabins: One (1) parking space for each sleeping room or suite, including that of the owner or manager if resident on the premises;
4. Hospitals, sanitariums, convalescent homes and homes for the aged or similar use: One (1) parking space for each three patients, plus one space for each two employees and staff members;
5. Orphanages or similar use: One (1) parking space for each ten beds;
6. Hotels: One (1) parking space for each guest sleeping room;
7. Motels: One (1) parking space for each sleeping room;
8. Fraternities, sororities, boarding and lodging houses: One (1) parking space for each two sleeping rooms;

**Commented [TB159]: 1153.02 #1 and 2**  
**Recommendation:** Reduce off-street parking; eliminate off-street parking requirements when adequate on-street parking is available.  
**Reason:** Housing Affordability

**Commented [NN160R159]:** I propose nixing the requirement for off-street parking for residential uses altogether. This removal will increase the housing availability and housing affordability.

**Commented [BR161R159]:** NEED MATT/DUKE, MAYOR, AND LEGAL CONFIRMATION.

**Commented [NN162R159]:** I have removed the deletion here, keeping the requirement for off-street parking as-is, per an email from Bianca saying that it is unlikely to pass politically.

9. Community centers, libraries, museums, post offices, civic clubs, etc.: One (1) parking space for each 50 square feet of floor area;
10. Theaters and auditoriums (other than incidental to schools): One (1) parking space for each four seats plus one (1) additional space for each two employees;
11. Churches and schools: for churches, one (1) space for each four seats in the principal gathering space; for schools, the parking requirements set forth in the Ohio School Facilities Commission manual, as it may be amended from time to time;
12. Dance halls, pool and billiard halls, exhibition halls without fixed seats, roller rinks and ice skating rinks: One (1) parking space for each one hundred (100) square feet of floor area used by participants.
13. Stadiums and sports arenas: One (1) parking space for each four seats;
14. Bowling alleys: Five (5) parking spaces for each alley;
15. Mortuaries or funeral homes: One (1) parking space for each fifty (50) square feet of floor space in the slumber rooms, parlors or individual funeral service rooms;
16. Establishments for sale and consumption on the premises of alcoholic beverages, food or refreshments: One (1) parking space for each fifty (50) square feet of floor area plus one (1) parking space for each employee, up to five (5) employees;
17. Medical or dental clinics, banks, business or professional offices: One (1) parking space for each two hundred (200) square feet of floor area;
18. Beauty shops and barber shops: Two (2) parking spaces per barber and/or beauty shop operator;
19. All retail stores, except as otherwise specified in this section: For each one (1) square foot of floor space devoted to retailing, there shall be three (3) square feet of space devoted to parking;
20. Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops: One (1) parking space for each employee of the work shift with the maximum number of employees;

21. Warehouses and storage buildings: Sufficient parking spaces to accommodate employees and the loading and unloading of materials. (Ord. 05-10. Passed 4-7-10.)

#### **1153.03 Driveways**

1. Parking lots or areas adjacent to public streets shall have driveways or openings not more than twenty-five feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least five feet from any sidewalk line and such lots shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic.
2. No driveway or curb shall exceed twenty-five feet in width. Detailed plans shall be submitted for approval of all curb cuts or driveway openings in commercial and manufacturing districts before a building permit may be obtained therefor.
3. Entrances, exits or driveways shall not be computed as any part of a required parking lot or area. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB163]: 1153.03**  
**Recommendation:** No change  
**Reason:** No impact on housing

#### **1153.04 Off-Street Parking in Residential and Mixed-Use Districts**

1. In any residential or mixed-use zoned district, no person shall stand or park, or permit to stand or be parked, a motor vehicle, trailer, semitrailer, truck, boat, vehicle and/or construction equipment on the tree lawn, or within the required front, rear or side yard setback areas.
2. Vehicle parking is only permitted on an asphalt, concrete or other impervious surface approved by the Building and Zoning Inspector.
3. The size, location and paving material used for any new driveway and parking surface must be approved by the Building and Zoning Inspector.
4. Visibility at Intersections. It is the intent of this revision to provide a A twenty-five foot clear zone shall be provided of twenty-five feet from at all street intersections for clear visibility of the motorist. The twenty-five-foot clear zone shall be measured from the point where the two street curbs, if extended in a straight line, would intersect (see diagram below). This twenty-five-foot clear zone shall be free from all structures, vehicles, trailers, fences, shrubbery, line of

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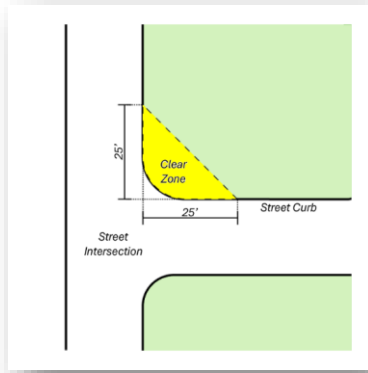
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**Commented [NN164]:** While these provisions may be outside of the scope of this project, we recommend that these provisions be amended to permit more stormwater friendly alternatives to asphalt and concrete paving.

**Commented [BR165R164]:** I do understand where you are coming from. The City has a Stormwater Management Plan that is Citywide. If a certain percentage of impervious surface is reached the development is required to add green infrastructure to alleviate any potential flooding or issues. This is figured out when developers submit their plans.

**Commented [NN166R164]:** So do you recommend retaining these provisions as-is?

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Graphic above showing the clear zone at the intersection of two streets.

5. No self-propelled camper, camper, boat, house trailer, boat trailer, utility trailer or any other object mounted on wheels and designed to be towed or traileed shall be parked no nearer than five feet to the rear or side property line. Such vehicles shall not be parked within the front setback area, except during the period from May 1 through October 1 of each year. When such vehicles are parked within the front setback area, they shall not be parked so as to obstruct any sidewalk, nor in a manner which in the opinion of the Zoning Inspector would create a safety hazard for drivers exiting the driveway of adjoining properties. Furthermore, such vehicles shall be parked in an area consisting of a hard surface of asphalt, concrete, brick or stone.
6. Temporary use of trailers within a residence district for hardship cases may be obtained from the Board of Zoning Appeals upon a showing of necessity for the trailer. Said temporary use shall be good for one year from the date of issuance. (Ord. 79-17. Passed 12-20-17.)
7. Temporary parking of trailers within a residence district for hardship cases may be obtained from the Board of Zoning Appeals upon a showing of necessity for the trailer. Said temporary use shall be good for one year from the date of issuance. (Ord. 79-17. Passed 12-20-17.)
8. Whoever violates the provisions of this section shall be guilty of a fourth degree misdemeanor. Each day that a violation continues may be deemed a separate

**Commented [TB167]:** Conflicts with 1153.04, Eliminate?

**Commented [BR168R167]:** Instead of removal - should the language be added to 1153.04?

**Commented [NN169R167]:** I have moved this to 1153.04.

offense. Notwithstanding the foregoing, a minimum fine of \$25.00 per day the violation continues shall be imposed by the Court.

#### **1153.05 Commercial And Industrial Districts**

Off-street parking and loading regulations for commercial and industrial districts are as follows:

1. Any vehicle parking space in a commercial or manufacturing district shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this Zoning Ordinance.
2. No buildings or structure of any kind shall be erected in any off-street parking space except a parking garage containing parking spaces equal to the requirements of this section.
3. No signs shall be displayed in any such vehicle standing space except signs to direct the orderly use of such space.
4. The design of all off-street parking facilities and means of access thereto, shall be subject to the approval of the Planning Commission.
5. The vehicle parking space on any lot, as set forth and designated in this Ordinance, shall be deemed to be required open space on such lot, in addition to any yard space required by the provisions of this Ordinance, and shall not be reduced or encroached upon in any manner. (Ord. 9826-70. Passed 12-2-70.)

#### **1153.05 Loading Space Requirements**

On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten-foot by twenty-five-foot loading space, with fourteen-foot-high clearance, for every 10,000 square feet or fraction thereof in excess of 3,000 square feet of building floor use or land for the above mentioned purposes. (Ord. 9826-70. Passed 12-2-70.)

**Commented [TB170]: 1153.04:**  
**Recommendation:** No change  
**Reason:** Not related to housing

**Commented [TB171]: 1153.05**  
**Recommendation:** No change  
**Reason:** Not related to housing

Chapter 1157 Special Provisions

1157.01 Signs And Outdoor Advertising

~~1157.02 Height Exceptions~~

~~1157.03 Rear Yard Measurements~~

~~1157.04 Rear Dwellings~~

~~1157.05 Rear Building Setback~~

1157.02 Zoning Annexed Areas

1157.03 Restoration Of Unsafe Walls

~~1157.08 Visibility At Intersections, Trailers~~

~~1157.09 Garages And Porches~~

1157.04 Fences

1157.05 ~~Group Residential~~ Condominium Development

1157.06 Buffer Zones

1157.07 Steel Or Metal Siding And Roofing In Residentially Zoned Areas

~~1157.14 Construction On One Lot~~

1157.08 Mobile Offices, Temporary Storage Buildings And Trailers

1157.09 Kennels

1157.10 Prohibited Uses

~~1157.18 Parking Of Motor Vehicles In Residentially Zoned Districts~~

1157.11 Graffiti Removal By Owners And/or Occupants

~~1157.12 Accessory Dwelling Units~~

~~1157.13 Small Box Discount~~

~~1157.14 Self-Service Storage Facility Establishments in the City of Niles, Ohio~~

CROSS REFERENCES Variance for newly annexed areas - see P. & Z. 1113.05(i)

**1157.01 Signs And Outdoor Advertising**

All zoning requirements for setbacks for use of districts shall meet the provisions of this Zoning Ordinance; construction of signs and outdoor advertising shall meet the requirements as set forth in Chapters 1325 and 1327. (Ord. 9826-70. Passed 12-2-70.)

**~~1157.02 Height Exceptions~~**

~~Parapet walls not exceeding four feet in height, chimneys, ventilators, cooling towers, elevators, bulkheads, tanks, radio towers, ornamental towers, monuments, cupolas,~~

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Recommendation: No change  
Reason: Not related to housing

Commented [TB173]: 1157.02  
Recommendation: No change  
Reason: Not related to housing

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Measurements... Ch. 1106

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domes and spires may be erected above the height limits herein established. (Ord. 9826-70. Passed 12-2-70.)

#### 1157.03 Rear Yard Measurements

In commercial, industrial and heavy manufacturing districts, unless otherwise provided for, the measurement of the depth of a rear yard may be made to the center line of an alley, should an alley exist at the rear of the premises. (Ord. 9826-70. Passed 12-2-70.)

#### 1157.04 Rear Dwellings

No building in the rear of the principal building on the same lot shall be used for residence except for domestic employees of the owner or the tenants of the principal buildings, unless such rear building shall conform to the open space requirement of this Zoning Ordinance for the principal building and shall have on the same lot an easement of access unoccupied to a street at least twelve feet wide in addition to any other open space requirements of this Ordinance. (Ord. 9826-70. Passed 12-2-70.)

#### 1157.05 Rear Building Setback

The setback line for a building in the rear of the principal building shall be measured twenty-five feet from the rear line of the rear yard required for the principal building. (Ord. 9826-70. Passed 12-2-70.)

#### 1157.06 Zoning Annexed Areas

When and if any areas are annexed to the City after the effective date of this Zoning Ordinance, the zoning regulations of these areas then in effect, prior to annexation, shall remain in full force until such time as consideration of the zoning for such property is taken as required by State law. (Ord. 72-82. Passed 9-1-82.)

#### 1157.07 Restoration Of Unsafe Walls

Nothing herein contained shall prevent the restoration of a wall declared unsafe by the Building Inspector. (Ord. 9826-70. Passed 12-2-70.)

#### 1157.08 Visibility At Intersections; Trailers

The following regulations are established in all Residence Districts, such revisions being in some cases amendatory and in other cases in addition to the provisions of the original Zoning Ordinance.

**Commented [TB175]: 1157.03**  
**Recommendation:** No change  
**Reason:** Not related to housing

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**Commented [TB176]: 1157.04**  
**Recommendation:** Delete this provision  
Conflicts with ADU's  
**Reason:** Allowing increased affordable housing options.

**Commented [TB177]: 1157.05**  
**Recommendation:** Remove this provision if possible. Seems to be talking about an accessory building - and this should be addressed with accessory building section, not here. Will conflict with ADU's  
**Reason:** Make the code easier to use.

**Commented [TB178]: 1157.06**  
**Recommendation:** No change  
**Reason:** Not related to housing

**Commented [TB179]: 1157.07**  
**Recommendation:** No change  
**Reason:** Not related to housing

1. ~~Visibility at Intersections. It is the intent of this revision to provide a A twenty-five foot clear zone shall be provided of twenty-five feet from at all intersections for clear visibility of the motorist. This twenty-five feet clear zone shall be free from all structures, vehicles, trailers, fences and shrubbery which project into the twenty-five foot clear zone line of visibility. (Ord. 9826-70. Passed 12-2-70.)~~

**Commented [TB180]: 1157.08**  
**Recommendation:** Propose cleaning this up. It could affect development on small lots  
**Reason:** Clarity

2. ~~Campers and Trailers:~~

1. ~~No self-propelled camper, camper, boat, house trailer, boat trailer, utility trailer or any other object mounted on wheels and designed to be towed or trailed shall be parked no nearer than five feet to the rear or side property line. Such vehicles shall not be parked within the front setback area, except during the period from May 1 through October 1 of each year. When such vehicles are parked within the front setback area, they shall not be parked so as to obstruct any sidewalk, nor in a manner which in the opinion of the Zoning Inspector would create a safety hazard for drivers exiting the driveway of adjoining properties. Furthermore, such vehicles shall be parked in an area consisting of a hard surface of asphalt, concrete, brick or stone.~~

2. ~~Temporary use of trailers within a residence district for hardship cases may be obtained from the Board of Zoning Appeals upon a showing of necessity for the trailer. Said temporary use shall be good for one year from the date of issuance. (Ord. 79-17. Passed 12-20-17.)~~

**Commented [TB181]:** Conflicts with 1153.04, Eliminate?

**Commented [BR182R181]:** Instead of removal - should the language be added to 1153.04?

**Commented [NN183R181]:** I have moved this to 1153.04.

#### 1157.09 Garages And Porches

1. ~~All garages, attached and detached, and porches, open and closed, must be constructed within the required setback lines and the ten foot building separation requirement. The purpose of this revision is to clarify the point at which the distances are measured:~~

2. ~~All measurements for right-of-way setback, side yard clearance and building separation shall be made from the furthest point of protection. This measurement line becomes an imaginary vertical plane from the ground to the sky at the point of furthest projection of all overhangs and etc. The separation requirement of the dwelling unit and a detached garage shall include all porch and overhang projections:~~

1. ~~Attached garages. Minimum side yards for dwellings with attached garages shall be five feet on each side:~~

**Commented [TB184]: 1157.09**  
**Recommendation:**  
 •Coordinate this provision with ADU's  
 •Reduce setback requirements to minimum necessary.  
 •Coordinate measurement discussion (2) with new **Dimensional Standards and Measurements** section.  
 •See 1135.02 Garages - why both? Garages are discussed in numerous sections of the code. Consolidate in one location with residential accessory uses.  
**Reason:** Allowing and encouraging ADU's, and reducing building setbacks is consistent with the Comprehensive Plan and Housing Study goals to increase affordable housing options. Also simplify numerous garage standards and consolidate in one place within the code.

~~2.—Detached garages. Detached garages shall be located within the rear yard and setback ten feet from the main dwelling structure and located at least two feet from any lot line. (Ord. 9826-70. Passed 12-2-70.)~~

#### 1157.04 Fences

1. For the purpose of this Zoning Ordinance, all fences shall be considered as structures and as such fall under the provisions of the Building Code. No fence shall be constructed or built without a building permit and construction of all fences shall meet with the provisions of the Building Code.
2. All fences constructed within a residential district shall comply with the following provisions:
  1. All fences shall not be erected closer than the one foot to the property line;
  2. All types of fences shall have a finished appearance on the side facing a neighboring property, or the street;
  3. Prohibited types of fences:  
Barbed wire; Non-secured type of wire fence; and fences made of any other materials that at the discretion of the Building Inspector would constitute a hazard to the safety and welfare of the general public;
  4. Front yard fences (fences to the dwelling foundation line, not including the porch) are limited as follows:
    1. All front yard fences exceeding 36 inches above the established sidewalk height (or, if no sidewalk exists, then the established street grade) shall be “open type” fences, and shall not exceed 48 inches in height; “open type” fences are defined as fences having not less than 50% of the area of its vertical plane open to light and visibility;
    2. Side and rear yard fences: Along side and rear yards, open and solid type fences are permitted to a maximum height of 72 inches, unless in the opinion of the Building Inspector, a solid fence would create a safety hazard for drivers exiting an adjoining drive; in such a case, open type fences may be required by the Zoning Inspector.
3. All fences shall be constructed of materials approved by the Zoning Inspector as durable, weather resistant and aesthetically pleasing, and must be constructed of

**Commented [TB185]: 1157.10**  
**Recommendation:** No change  
**Reason:** Not related to housing

materials that, in the opinion of the Zoning Inspector, would not constitute a hazard to the safety and welfare of the general public.

4. No fence shall be erected in such a manner as to prevent access to City or other public utility meters. (Ord. 31-02. Passed 11-20-02.)

#### **1157.05 ~~Group Residential Condominium Development~~**

A permit for a ~~Group Residential Condominium Development~~ in the Neighborhood 2 District, Neighborhood 3 District, Corridor 1 District, and B-3 General Commercial District ~~an R-B, R-C, B-2 or B-3 Zoning District~~ may be issued provided the following requirements and standards of this Section have been complied with:

1. Preliminary Plan. The owner(s) of a tract of land containing not less than one acre shall submit to the Building and Zoning Inspector for review a preliminary plan for the use and development of such tract of land for a ~~group residential condominium~~ development project.
2. Design Standard. The plan of the project shall provide for:
  1. The grouping and harmonious design of buildings;
  2. Building footprint(s) (showing the outside perimeter walls of the building(s), building square footages; listing all floor levels separately), and building elevation view(s), all of which shall be shown for any units the owner proposes to construct in the development;
  3. The proposed building materials;
  4. Adequately and properly arranged facilities in conformance with the requirements of Section 1175.06;
  5. Off street parking and loading;
  6. Landscaping;
  7. Buffers, including fencing, landscaping and greenspace; and;
  8. Such other features and facilities as may be necessary to make the project sufficient from the standpoint of the developer as well as from the standpoint of the adjoining or surrounding existing or potential developments, and the City of Niles.

**Commented [TB186]:** I attempted to consolidate this with the Subdivision Regulations, but it became difficult because many site plan and construction plan issues unique to condominiums may need to carry over. (I was uncomfortable making too many changes without input from Niles staff about what works/what needs changing as these issues should be informed by their needs and experiences.) I decided to just keep "Condominium Development" once in the zoning code - in this location, but did suggest some revisions.

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3. Area Requirements. The minimum site area for a ~~condominium~~residential development project shall be one acre.

4. Uses Permitted. Permitted uses shall be those permitted in the district in which the development is to be located.

5. Fencing. Fencing around the perimeter boundary of the development project shall also be permitted. The use of this perimeter fencing shall be either at the direction of the City or at the discretion of the developer if approved by the City. The type of fencing shall be approved by the City.

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~~4-6.~~ Accessory buildings. ~~No sheds or outbuildings shall be permitted.~~ A swimming pool/clubhouse is permitted, provided the pool/clubhouse is constructed by the developer or association formed for the benefit of the owner(s) of the units within the developments.

5-7. Building Heights and Yards.

1. Building height requirements shall be the same as in the district in which the development is to be located.

2. Where rear yards are adjacent to properties that are not part of a ~~Condominium Group Residential~~ Development, the rear yard requirements shall be the same as found in Section 1131.05(b). Where rear yards are adjacent to the rear yards or side yards of other units in a ~~Group Residential Condominium~~ Development, the minimum spacing between units shall be 60 feet.

6-8. A minimum building separation of ten (10) feet shall be required for all side yards, except as noted in Paragraph B above. Where property lines exist within the development, there shall be a minimum side yard of five feet (5') between property lines. Where a side yard is adjacent to a street line, the side yard setback shall follow the requirements of Section 1131.05(d). If no street line is shown on the development plans, the side yard setback shall be the greater of either thirty-five feet (35'), (measured from the edge of the pavement or curb) or, the average setback within the block in accordance with Section 1131.05(d).

7-9. If a street boundary line is shown on the development plan(s), it shall be shown at a minimum width of fifty feet (50'), with the street surface centered within the street boundary lines; and, the building "setback line" requirements of Section

Commented [NN187]: I recommend that side yards that abut a street are considered front yards for the purposes of setbacks and follow the required front setback. Does the City agree? Or, should I leave this alone for the purposes of this limited-scope project?

1131.05(d) shall apply, with the distances measured from the street boundary line. If no street boundary line is shown on the development plan(s), the building setback line shall be thirty five feet (35') measured from the edge of the pavement or curb.

~~8-10.~~ If the condominium development does not include lot lines for each dwelling, the lot area required for a structure containing one or more condominium dwellings ~~(or density if the development does not include lot lines)~~ shall be as follows 7,500 square feet minimum and 10,500 square feet maximum.

~~One Family Dwelling: 10,500 square feet~~

~~Two Family Dwellings: 12,225 square feet~~

~~Three Family Dwellings: 14,650 square feet~~

~~Four Family Dwellings: 17,075 square feet~~

~~Five Family Dwellings: 19,500 square feet~~

~~Six Family Dwellings: 21,500 square feet~~

1. There shall be a maximum of twelve (12) ~~family dwellings~~ units per acre. ~~The area constituting the~~ Any roadway(s) ~~for within~~ the development shall be calculated as ~~having~~ a minimum width of fifty feet (50'), and shall be excluded in determining the "lot area."

~~9-11.~~ Recreation Areas. If the project contains twenty (20) acres or more, at least five percent (5%) of the gross acreage of such site shall be developed as a neighborhood recreation area or areas. If the site contains less than ~~twenty~~ (20) acres, the required recreation area shall be two thousand (2,000) square feet for the first fifty (50) dwelling units plus thirty (30) square feet for each additional unit in excess of fifty (50).

~~10-12.~~ Off-street Parking and Service Facilities. There shall be at least two (2) off-street parking spaces for each dwelling unit. If in the opinion of the Zoning Administrator adequate on-street parking is available to the condominium dwellings, the parking requirement may be reduced based on the number of on-street parking spaces reasonably available. Condominium developments providing internal private streets are allowed to provide parallel parking along the private streets. Service drives and other service facilities shall be located entirely within the project site ~~separate from the off-street parking required herein.~~

**Commented [NN188]:** In many developments, this width is excessive, and the setbacks should be from the edge of the curb or edge of paved sidewalk, not from the actual street boundary lines, as those are inconsistent or oftentimes extend beyond the sidewalk. Would you like this adjusted, or is that beyond the scope of this limited-scope project?

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**Commented [NN189]:** Bianca, I would changes this to just reflect the minimum lot area of the district in which the condominium is in. Oftentimes, that's between 9,500 and 10,500 square feet per lot. Each building (regardless of the number of units in that building) would need to have that amount of lot area. Do you agree with this approach?

**Commented [BR190R189]:** I see what you are saying. The lowest minimum should be 7,500 for 1 dwelling. I agree there should be a max of 10,500.

**Commented [NN191R189]:** Okay. I have made that change.

**Commented [TB192]:** 1157.11.7

**Recommendation:** Reduce require off-street parking to 1 parking space/dwelling unit.

**Reason:** Reducing off-street parking requirements is consistent with the Comprehensive Plan and Eastgate Study goals to increase affordable housing options, and encourage active transportation.

**Commented [BR193R192]:** May have to explain in-depth the rationale here. Could be some push back - we have not talked much about parking in the City.

**Commented [NN194R192]:** We have plenty of resources available to illustrate the benefits of eliminating or reducing off-street parking requirements. I'd be happy to share those with you when the time is appropriate.

**Commented [BR195R192]:** I agree to 1 parking spot per dwelling - but we may have to stay with 2.

I think it can be beneficial to share the pros of 1 parking spot per dwelling - but I think that is going to be hard for Council to support.

**Commented [NN196R192]:** Okay, I will stick with 2 off street parking spaces per dwelling unit for now. I'd be happy to offer this change as an option for pro-housing policy to Council if they would like to hear the idea.

~~11-13.~~ **Construction and Site Plan Approval.** After the Building and Zoning Inspector has certified to the City Engineer in writing that the developer's Preliminary Plan has met the requirements of subsection (b)(1) through (7) hereof, the developer shall submit a construction site plan of the project to the Niles City Engineer for his review and approval. The plan is to be prepared and certified by a registered engineer in the State of Ohio unless deemed necessary by the Niles City Engineer, subject to the following requirements:

1. Plan view of the project showing existing and proposed sanitary sewers and appurtenances, storm sewers and appurtenances, elevations and grades, and any other information requested by the City Engineer necessary for site plan approval;
2. Sanitary sewer plan, profile and appurtenances showing size of pipe, elevations, grades, type of materials, and any other information requested by the City Engineer necessary for approval;
3. Storm sewer flow calculations prepared by a Professional Civil Engineer showing the existing and proposed run-off and storm water management controls based on criteria acceptable under City Ordinances regarding storm water management at the time of the review;
4. Storm sewer and storm management plans, with profiles and appurtenances showing size of pipe, elevations, grades, type of materials and any other information requested by the City Engineer for approval;
5. Existing ground elevations, proposed ground elevations and contours showing direction of drainage;
6. Access drive(s) location and design with horizontal and vertical control designed in accordance with the requirements of Section 1175.06. If traffic congestion is considered to be a problem for the proposed project, the City Engineer will require from the developer a traffic analysis of the existing traffic, project and combined traffic where such traffic enters upon the public right of way. A Professional Engineer must prepare the study. The developer is responsible for any traffic mitigation when required, and shall comply with all applicable City and State regulations for such traffic mitigation.

7. The requirements of the City Engineer for the purpose of reviewing a project are not limited to the above requirements. Any additional information requested by the City Engineer is required for completion of the review.

~~12-14.~~ 14-14. Planning Commission Recommendation. The City Engineer, upon completion of his review, shall forward his comments regarding the feasibility of the proposed project to the City Planning Commission. The Planning Commission shall then consider the proposed project at its next meeting, and make a recommendation for its approval or disapproval to City Council.

~~13-15.~~ 14-15. Action on Permit by City Council. The permit to construct the proposed project in exact accordance with the construction site plan submitted to, and reviewed by, the City Engineer and the City Planning Commission may only be issued after approval by City Council by written Resolution, enacted in compliance with Ohio law. Council may hold a public hearing on the proposed project prior to acting on the Resolution. City Council may require more restrictive requirements or allow less restrictive requirements or allow less restrictive requirements from any part of this section.

If Council fails to approve the Resolution authorizing issuance of the permit, and the Developer chooses to re-submit the project by amending the construction and site plan, or submitting an entirely new plan, such resubmission must be made first to the Building and Zoning Inspector, and each subsequent step for approval required under the section must be followed.

~~14-16.~~ 14-16. Recording Requirements. The Developer whose ~~Group~~ Residential condominium development plans have been approved by Council shall prepare the ~~Mylar construction plans~~ plans (not to exceed 24" x 36") of the approved site plan with the following information ~~contained thereon~~:

1. A layout of the proposed buildings on the site plan including: building footprints (showing outside perimeter walls of the building); building square footages (listing all floor levels separately); building elevation views; building materials; and approved driveways;
2. Existing and approved water plans and appurtenances showing size of pipe, elevations, grades, type of materials, and any information requested by the City Engineer;

3. Existing and approved storm sewer plans and appurtenances showing size of pipe, elevations, grades, type of materials, and any information requested by the City Engineer;
4. Sanitary sewer plans and appurtenances, showing size of pipe, elevations, grades, type of materials, and any other information requested by the City Engineer;
5. Storm sewer flow calculations showing the existing and approved run-off and storm water management controls;
6. The storm sewer and storm water management control plan and appurtenances showing size of pipe, elevations, grades, type of materials and any other information requested by the City Engineer;
7. Existing ground elevations, and approved ground elevations and contours showing direction of drainage;
8. Said Mylar shall be completed in a form that shall be deemed “recordable” by the Trumbull County Recorder, and shall be recorded by the Developer prior to the commencement of construction.

~~15.~~17. Deviation from the Approved Construction and Site Plans. If City Council approves the proposed project as submitted, neither the developer, nor his successors or assigns, may deviate from the plans approved by Council without submitting a written proposal describing in detail the proposed deviation to the Building and Zoning Inspector and the City Engineer for review and comment. Upon completion of said reviews by these individuals, the proposal and comments shall be turned over to Council’s Safety Committee for a written determination whether said proposed change(s) amount to a “submittal deviation” from the approved plans for the project. If the Safety Committee determines that the proposed change(s) do not amount to a “substantial deviation”, then the changes shall be approved under the supervision of the Building and Zoning Inspector and the City Engineer. A substitution of an approved building footprint for a “like kind” approved unit (one family for one family, two family for two family) shall not be considered a substantial deviation. If the Safety Committee determines that the proposed change(s) amount to a “substantial deviation”, then the sponsor of the deviation shall prepare amended preliminary, construction and site plans, and cause each submitted plan to be reviewed and approved in accordance with all the provisions of this

Ordinance, including approval by City Council by written Resolution enacted in compliance with Ohio law. In addition, said approved, amended plans shall be recorded with the Trumbull County Recorder prior to construction in accordance with the amended plans.

~~16-18.~~ 18. **Inspection of Construction.** The Building and Zoning Inspector and the City Engineer and their staff members shall have the right to enter upon the private land when construction is taking place for the purpose of inspecting and determining that all work performed is as planned and approved by City Council. If any of these City officials notice any work being constructed contrary to plan, the Building and Zoning Inspector will take the necessary steps to stop construction. The Building and Zoning Inspector will then notify the proper party to conform to the approved plans and that construction shall not be continued until such time as the defective work is corrected and approved by the City Engineer and the Building and Zoning Inspector. (Ord. 21-06. Passed 6-7-06.)

#### **1157.06 Buffer Zones**

1. A buffer zone shall be required to be supplied on any lot in the Industrial District or the Heavy Manufacturing District, where such lot abuts a lot in the Neighborhood 1 District or the Neighborhood 2 District. Such buffer zone shall consist of a strip of land that extends along the shared lot boundary. The buffer zone, supplied on the lot within the Industrial District or the Heavy Manufacturing District, shall be 50 feet in depth and shall consist of evergreen trees and earthen mounds. The height of each tree, when planted, shall be at least six feet. The overall height of the earthen mound and the trees shall be at least fifteen feet when constructed. The trees shall be sufficient in number to obscure each parcel of land from the other's view.
2. A buffer zone shall be required to be supplied on any lot in the Highway Commercial District or General Commercial District, where such lot abuts a lot in the Neighborhood 1 District or the Neighborhood 2 District. Such buffer zone shall consist of a strip of land that extends along the shared lot boundary. The buffer zone, supplied on the lot within the Highway Commercial District or General Commercial District shall be 50 feet in depth and shall consist of evergreen trees and earthen mounds. The height of each tree, when planted, shall be at least six feet. The overall height of the earthen mound and the trees shall be at least fifteen feet when constructed. The trees shall be sufficient in number to obscure each parcel of land from the other's view.

3. A buffer zone shall be required to be supplied on any lot in the Corridor 1 District, where such lot abuts a lot in the Neighborhood 1 District or the Neighborhood 2 District. Such buffer zone shall consist of a strip of land that extends along the shared lot boundary. The buffer zone, supplied on the lot within the Corridor 1 District, shall either be: (a) 6 feet in depth and containing a solid fence of at least 8 feet in height or (b) 12 feet in depth and planted with evergreen shrubs expected to reach heights of at least 8 feet, such as Arborvitae.
4. The buffer zone shall be kept free of all debris, rubbish and weeds.
5. Owners of non-RA land who are required by the terms of the section to construct a buffer zone, who would be unable to engage in their proposed construction due to the buffer zone width requirement established hereunder, may petition the Board of Zoning Appeals for a variance, allowing a reduction in the width or other requirements of the buffer zone.
6. An occupancy permit for any construction project subject to this section shall not be issued until the buffer zone has been constructed and approved by the Building and Zoning Inspector.
7. ~~A Buffer Zone Requirement is hereby established within the City of Niles for new construction projects, on construction projects which increase the size of an existing building, on land that is not zoned R-A Residence District, ("Non-RA") but of abuts land that is zoned R-A Residence District ("RA").~~
8. This Buffer Zone requirement will not be applied to the following projects:
  1. Additions to single family dwellings (that do not alter the existing dwelling from a single family dwelling to a multiple family dwelling), as well as construction of new garages, or additions to existing garages, provided that such new or existing garages are not being used for commercial or industrial purposes;
  2. ~~Construction projects that have already site plan approval from the City's Planning Commission as of the effective date of this section:~~
9. ~~The Buffer Zone shall provide a year-round visual screen between the land zoned R-A and the land zoned Non-RA. The buffer shall be constructed of either:~~
  - ~~A. The trees shall be sufficient in number to obscure each parcel of land from the other's view.~~

**Commented [NN197]:** Bianca, per our conversation about buffer zones, please look over this section to ensure that it aligns with your wishes. There are buffer zones established for the Industrial, Heavy Manufacturing, Highway Commercial, and Corridor 1 Districts. However, I think that, if we have something for Corridor 1, it would only be logical that we have similar buffers for all commercial or mixed-use districts, such as Downtown.

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**Commented [NN198]:** My recommendation is change this so that the buffer zone requirement applies only to uses within the I - Industrial or the HM - Heavy Manufacturing Districts. Let's discuss with the client.

**Commented [TB199R198]:** Agree

**Commented [TB200R198]:** KEEP FOR HIGHWAY COMMERCIAL, AND CHANGE TO SOLID FENCE WITHIN 6 FOOT BUFFER, AND/OR EVERGREEN PLANTING IN 12 FT. BUFFER FOR ADJACENCY TO CORRIDOR 1

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~~10. on the land that is Non-RA, shall be fifty foot in width, and shall consist of evergreen trees and earthen mounds. The height of each tree, when planted, shall be at least six feet. The overall height of the earthen mound and the trees shall be at least fifteen feet when constructed.~~

~~11. The owner(s) of the non-RA land, and his heirs, executors, administrators, successors or assigns shall be required to continue to maintain this buffer zone to the standards established hereinabove involve. No buildings, structures, storage of materials or parking shall be permitted within the buffer zone. The buffer zone shall be kept free of all debris, rubbish and weeds.~~

~~12. Owners of non-RA land who are required by the terms of the section to construct a buffer zone, who would be unable to engage in their proposed construction due to the buffer zone width requirement established hereunder, may petition the Board of Zoning Appeals for a variance, allowing a reduction in the width or other requirements of the buffer zone.~~

~~13. An occupancy permit for any construction project subject to this section shall not be issued until the buffer zone has been constructed and approved by the Building and Zoning Inspector. (Ord. 30-96. Passed 5-22-96.)~~

#### **1157.07 Steel Or Metal Siding And Roofing In Residentially Zoned Areas**

1. Steel or metal siding and roofing shall be permitted in residentially zoned areas and shall be installed in compliance with all manufacturers' specifications and all requirements of the Ohio Building Code as it may be amended from time to time.
2. All steel or metal siding shall be compatible in color, texture and design with similar dwelling or structures in the immediate neighborhood. Bright, fluorescent or other similar colors are prohibited.
3. The steel or metal roof color shall read as a single color that is compatible with all building wall colors. All steel or metal roofing shall be compatible in color, texture and design with similar dwelling or structures in the immediate neighborhood. Bright, fluorescent or other similar colors are prohibited.

**Commented [TB201]: 1157.13**  
**Recommendation:** No change  
**Reason:** Standards are appropriate.



Photograph above showing a steel or metal sided structure in a residential district (Photo credit: Nolan Nicaise; Location: Lexington, Kentucky). The color of the metal siding in this photograph may be questionable, as the colors of metal siding should be compatible with the color of other structures in the immediate neighborhood.

#### HISTORY

Amended by Ord. 43-20 on 6/3/2020

#### **1157.14 Construction On One Lot**

~~Each building and its accessory buildings must be constructed on one lot, except as may be allowed in Section 1157.11, Group Residential Developments. (Ord. 05-10. Passed 4-7-10.)~~

**Commented [TB202]: 1157.14**

**Recommendation:** Coordinate this provision with any changes to 1157.11

**Reason:** Clarity

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#### **1157.08 Mobile Offices, Temporary Storage Buildings And Trailers**

1. Construction Sites. Mobile offices, trailers, temporary toll and supply storage and portable sanitary facilities used in conjunction with the construction of any building or structure in any district shall be located behind the front building setback line of the lot and observe all side and rear yard regulations. Such temporary structures used for the duration of active construction shall require a zoning permit. No fee shall be charged for the issuance of this permit. Such structures shall be removed within ten (10) days of the end of the active construction, or within ten (10) days of the issuance of a certificate of occupancy for the building being constructed, whichever date is earlier.

**Commented [TB203]: 1157.15**

**Recommendation:** No change

**Reason:** Not related to housing

2. **Storage Use.** One trailer or other storage structure used in addition to a lawful one-site business for the temporary storage of materials, equipment, inventory, merchandise or wares in commercial, heavy manufacturing or industrial districts shall require a zoning permit and shall conform to all requirements of the district in which they are located. Permits for additional trailers or storage structures will also be permitted if justification for such additional units is shown to the satisfaction of the Zoning Inspector. Such building(s) shall not be used in residential districts unless an exception is granted by the Zoning Inspector. Such permits shall be issued for a period not to exceed ninety (90) days, not to exceed one hundred eighty (180) days in a calendar year.  
The cost of this permit shall be one dollar (\$1.00) per day; except that applicants for permits for trailers or other storage structures used for the temporary storage of discarded automobile parts, including but not limited to tires and batteries, as permitted in a B-3 Zoning District, shall not be required to pay a fee to receive the permit authorized under this subsection.
3. **Prohibition.** No person, firm or corporation shall park or store a structure commonly referred to as a mobile home or trailer on any property within the City unless it is done in accordance with the provisions of this section.
4. **Penalty.** Persons, firm or corporations violating any provision of this section shall be guilty of a minor misdemeanor upon a first conviction, and a fourth degree misdemeanor upon subsequent convictions.
5. **The Zoning Inspector, with the assistance of the Police Department , is authorized to provide for the removal of structures from public or private property when such structure is found on such property in violation of this section. Any structure removed under authority of this section shall be ordered into storage, and the Zoning Inspector shall forthwith notify the owner of the property of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded structure shall appear at the Zoning Inspector's office to furnish satisfactory evidence of identity and ownership or right to possession. Upon display of such satisfactory evidence, the Zoning Inspector shall issue a release form. The storage operator shall release such structure upon receipt of the release form and payment of all towage and storage charges. (Ord. 05-10. Passed 4-7-10.)**

**1157.09 Kennels**

**Commented [TB204]: 1157.16**  
**Recommendation:** No change  
**Reason:** Not related to housing

1. Definition. For the purposes of this section, a kennel is defined as:
  1. Any lots or premises on which five or more dogs or cats, at least four months of age are kept, boarded, or trained, whether in special structures or runways, or not;
  2. A structure in which breeding, caring for, or housing of dogs or cats is done for compensation or monetary purposes.
2. Location of Kennels. Kennels may only be located within Industrial Districts and Commercial Districts, other than B-2 Neighborhood Commercial districts. In addition any buildings, structures or facilities, including runways, must be located at least 300 feet from any property line in any residential district.
3. Pre-Existing Kennels. This section shall not be applied to kennels in existence on the date this section is passed by vote of City Council as determined by the City's Animal Control Officer and the Building and Zoning Department. This exemption shall cease, however, upon transfer of the ownership of the kennel or of the ownership of the land upon which the kennel is situated. (Ord. 05-10. Passed 4-7-10.)

#### **1157.10 Prohibited Uses**

The construction and/or operation of landfills, transfer stations, medical waste facilities, toxic material disposal facilities, facilities for the treatment of soil contaminated by regulated or non-regulated petroleum products or hazardous substances and salt water injection wells and injection wells for any other waste materials produced in association with oil and natural gas drilling within the City are hereby deemed prohibited zoning uses within the City. (Ord. 23-12. Passed 10-17-12.)

**Commented [TB205]: 1157.17**  
**Recommendation:** No change  
**Reason:** Not related to housing

#### **1157.18 Parking Of Motor Vehicles In Residentially Zoned Districts**

- ~~9. In any residentially zoned district, no person shall stand or park, or permit to stand or be parked, a motor vehicle, trailer, semitrailer, truck, vehicle and/or construction equipment on the tree lawn, or on the front, rear or side yards or lawn. (Ord. 80-17: Passed 12-20-17.)~~
- ~~10. It is Council's intent that existing yards and lawn areas in residentially zoned properties be preserved as much as possible. Therefore, parking is generally permitted only on a driveway that was originally constructed of asphalt, concrete or other impervious surface approved by the Building and Zoning Inspector.~~

**Commented [TB206]: 1157.18**  
**Recommendation:** Move to 1153 Off-Street Parking and Loading  
**Reason:** Coordinate provisions

~~11. No driveway shall be extended or widened onto or into any part of the existing lawn or tree lawn unless approved by the Building and Zoning Inspector and said new parking area must be constructed of asphalt, concrete or other impervious surface approved by the Building and Zoning Inspector.~~

~~12. Whoever violates the provisions of this section shall be guilty of a fourth degree misdemeanor. Each day that a violation continues may be deemed a separate offense. Notwithstanding the foregoing, a minimum fine of \$25.00 per day the violation continues shall be imposed by the Court. (Ord. 03-12. Passed 2-15-12.)~~

#### HISTORY

~~Amended by Ord. 80-17 on 12/20/2017~~

#### **1157.11 Graffiti Removal By Owners And/or Occupants**

1. For purposes of this section, “graffiti” means any inscription, design, word, figure or mark of any type drawn, marked, painted, tagged or written upon any building, fence, gate, rock, structure, tree, wall or other property or portion thereof, visible to the public which defaces, damages, or destroys any private, real or personal property, without the privilege to do so.
2. The owners and/or occupants of all property shall maintain the exterior of all structures and premises free from graffiti when such graffiti is visible from any point off the property. Owners and/or occupants on whose property graffiti is displaced shall completely remove the graffiti without leaving the surface color in a spotted or mismatched condition or shall completely and uniformly cover the graffiti with appropriate paints or finish within ten days after being ordered to so by the Zoning Inspector. If the owner and/or occupant having charge of or responsibility for maintenance of the building or land fails to comply with the notice, the Service Director shall thereupon cause the graffiti to be removed, and for such purpose may employ the necessary labor to carry out the provisions of this section. All expenses of labor and costs incurred shall, when approved by the Service Director, be paid out of City funds not otherwise appropriated. Costs incurred by the City for removing such graffiti shall be entered upon the tax duplicate and shall be a lien upon such lands and property.
3. If due to inclement weather conditions the owner or occupant would be unable to remove or cover the graffiti within ten days after notice from the Zoning Inspector, the owner or occupant may make a written request to the Zoning Inspector to

**Commented [TB207]: 1157.19**  
**Recommendation:** No change  
**Reason:** Not related to housing

extend the ten day time period. The Zoning Inspector shall respond to the owner or occupant within two business days as to whether the extension will be granted.

4. Where the individual(s) responsible for applying the graffiti are successfully prosecuted under Section 541.10, and is/are ordered pursuant to subsection (d) of that section to make restitution by monetary payment for the loss or damage incurred, and a lien for costs of removal has been placed upon the owner of the affected property, the City shall take steps to remove the lien from the property and hold the convicted individual(s) solely responsible for the cost of the graffiti removal or covering. (Ord. 27-12. Passed 12-5-12.)

### **1157.12 Accessory Dwelling**

An accessory dwelling is a permitted use subject to the following conditions:

- A. The accessory dwelling shall not be located in any zoning district except the Neighborhood 1 District.
- B. A maximum of one accessory dwelling may be established on any lot with a primary dwelling as a principal use.
- C. The floor area of any accessory dwelling may not exceed 1,000 square feet. The calculation of the accessory dwelling floor area shall not include loft or attic space used solely for storage.
- D. An accessory dwelling shall contain no more than 2 bedrooms.
- E. An accessory dwelling shall not count as a dwelling unit for purposes of calculating housing density.
- F. No accessory dwelling shall exceed 25 feet in height, except where the accessory dwelling is within the principal structure on the lot and either (a) does not exceed the height limit of the zoning district in which it is located or (b) does not exceed the height of the existing principal structure, where such existing principal structure is permitted to continue per the nonconformities provisions of this code.
- G. An accessory dwelling shall meet public health, safety, and welfare standards, including relevant building codes and adequate public facilities provisions.
- H. An accessory dwelling may be established within a principal dwelling or within an accessory structure, and shall maintain the following setbacks:

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**Commented [NN208]:** Bianca, are you looking for Accessory Dwellings only in the Neighborhood 1 District?

**Commented [BR209R208]:** I think in Neighborhood 1 only would be best.

**Commented [NN210R208]:** Okay. I have changed the language to allow ADUs only in the Neighborhood 1 District.

**Commented [NN211]:** Bianca, Do you want the accessory dwelling to require separate utility connections to the mains? Typically, we allow them to piggy-back off of the principal structure, but this is a question for your utilities director.

**Commented [BR212R211]:** The City allows whatever the owner wants. But everything has to be metered.

Examples:

House A chose to have 1 meter for its primary home and ADU. Shared metered charged to one account.

House B chose to have 1 meter for its primary home and a separate meter for the ADU. Separate meters charged to two individual accounts.

Both are allowed in the City.

**Commented [NN213R211]:** Okay. I'm glad that Niles allows these two options. It makes it easier for the landowner.

1. An accessory dwelling located within a principal dwelling, or attached to a principal dwelling along a common wall, must comply with building setbacks applicable to the principal dwelling.
  2. An accessory dwelling that is not attached to the principal dwelling, such as an accessory dwelling built above a detached garage, must comply with applicable accessory structure setbacks of the zoning district; however, in no case shall an accessory dwelling or its appurtenances be closer than 5 feet to any property line.
- I. Each accessory dwelling shall have its own separate exterior door providing ingress and egress.
  - J. An accessory dwelling must have the same street address (house number) as the primary dwelling.
  - K. Both the accessory dwelling and the principal dwelling shall be located on one lot in common ownership.
  - L. An accessory dwelling must be permanently attached to a foundation, or within a structure that is permanently attached to a foundation.
- M. Parking.
1. One additional parking space located on or within 100 feet of the lot is required for the accessory dwelling.
- N. An accessory dwelling is allowed on an existing lot of record with a non-conforming lot size and/or a non-conforming setback if the accessory dwelling does not increase the non-conforming setback.



*Photograph above showing an accessory dwelling unit above a detached garage with an adjacent off-street parking space (Photo credit: Nolan Nicaise).*

#### **Chapter 1157.13 Small Box Discount Stores**

##### 1157.131 Definitions

##### 1157.132 Prohibitions

##### **1157.131 Definitions**

“fresh food” as used herein means food for human consumption that is in its raw or unprocessed state or food that was quickly frozen while still fresh and has not deteriorated; and

“produce” as used herein means fruits and vegetables that have not been processed in any way, but does not include herbs, wild rice, dried fruits and vegetables, raw nuts, popcorn, meat, cheese, eggs, or seafood; and

“small box discount stores” as used herein means a retail store that sells directly to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for off-premise consumption, most of which are sold for \$10.00 or less, and that does not dedicate at least 15% of shelf space to fresh food and produce

**Commented [AL214]:** Amending Chapter 1157.13 to be congruent with the Zoning Code update scheme

### **1157.132 Prohibitions**

No small box discount store may be located within nine thousand linear feet of any existing small box discount store within the corporation limits of the City of Niles.

[Chapter 1157.13 does not apply to the B-6 Mall District Zone]

|

### **Chapter 1157.14 Self-Service Storage Facility Establishments in the City of Niles, Ohio**

#### 1157.141 Definitions

#### 1157.142 Prohibitions

#### **1157.141 Definitions**

(A) "Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

- (1) The occupants have access to the storage space only for the purpose of storing and removing personal property.
- (2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

"Self-service storage facility" does not include any garage used principally for parking motor vehicles, any garage or storage area in a private residence, an establishment licensed pursuant to sections 915.14 to 915.24 of the Revised Code, or any property of a bank or savings and loan association that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the bank's or savings and loan association's customers.

#### **1157.142 Prohibitions**

No self service storage facility shall be located within 2 miles of any other self service storage facility.

[Chapter 1157.14 does not apply to the B-6 Mall District Zone]

**Commented [AL215]:** Amending Chapter 1157.14 to be congruent with the Zoning Code update scheme

## **Chapter 1158 Construction And Demolition Debris Storage Sites**

**Commented [TB216]:** Chapter 1158 - No change, not related to housing

1158.01 Construction And Demolition Debris Storage Management Sites

1158.02 Site Location

1158.03 Site Material Management

1158.04 Site Closure

1158.05 Storage Costs

1158.06 Hours Of Operation

### **1158.01 Construction And Demolition Debris Storage Management Sites**

The location and operation of new sites designated in the City of Niles for the storage and maintenance of construction and demolition debris or the modification or expansion of an existing site will be located only in an industrial zone. The storage sites will be established in accordance with Ohio Revised Chapters 3714 and 3745, rules and regulations of the Ohio Environmental Protection Agency (OEPA), the United States Environmental Protection Agency (USEPA), the Trumbull County Solid Waste District and the Codified Ordinances of the City of Niles. (Ord. 6305. Passed 11-2-05.)

#### **1158.02 Site Location**

The site location of any construction and demolition debris storage management site shall be limited as follows:

1. Such site shall be no closer than 2,500 feet of any lot, parcel or piece of real property zoned as an R-A, R-B or R-C Residence District, nor closer than one mile of any “environmentally natural area”, to include undisturbed, established or re-established areas intended for scientific, recreational or educational purposes and any “wetlands” in accordance with the accepted definitions set forth by the Ohio Department of Natural Resources and United States Army Corps of Engineers;
2. Shall not allow contamination of any aquifer, stream, lake, river, or potable water source as determined by independent hydrologic survey;
3. Shall not be within the natural terrain boundaries of a one hundred year flood plain as determined by the Trumbull County Engineer;
4. Shall not create a nuisance, hazard, or pollution effect, (i.e., visual olfactory, audio) or cause a nuisance from dust or particles of dust, including that which occurs during unloading activities and through transport of waste. Definition of olfactory

nuisances determined by levels scientific accepted as that which are above ambient levels, or irritating to senses. Audio emissions at property line not to exceed 45 decibels (ambient background levels) during construction or operation as measured by trained City personnel, i.e., police or fire personnel. The use of OSHA approved alternatives or sound barriers shall be used to maintain ambient background levels. (Ord. 63-05. Passed 11-2-05.)

#### **1158.03 Site Material Management**

1. All material presented for storage at the site may be randomly inspected by a City representative before being accepted for off-loading or permanent storage.
2. Material will be accepted only for permanent storage; “tipping” or temporary storage will not be permitted.
3. Hazardous materials shall not be accepted for storage.
4. Solid waste, or unidentifiable pulverized debris, shall not be accepted for storage. (See USEPA Subtitle D of RCRA). Unacceptable material will be disposed of offsite in a safe and legally determined manner.
5. Material received each day for storage will be covered with earth before the site is closed for the day.
6. Operator shall first obtain the approval of the Niles City Health District for the establishment of a storage site.
7. Operator shall provide to City Council a plan for the continued restoration and maintenance, including daily cleanup, of all City maintained roads leading to and from the storage site.
8. Operator shall provide the City police and fire safety forces access to the storage site of periodic inspection to determine whether the site is in compliance with applicable provisions of the Ohio Revised Code and the Codified Ordinances of the City of Niles.
9. Operator shall provide the City’s Building and Zoning Department with information confirming the quantities of material stored at the site in order to enforce compliance, oversight and inspection of the storage site.

10. Operator shall seek approval from the City's Street Superintendent as to which streets or public thoroughfares situated within the City will be utilized to gain access (ingress and egress) to and from the storage site.
11. Operator shall provide the Street Superintendent with information concerning truck traffic accessing the storage site in order to enforce truck weight limitations; and, to prevent congested truck traffic along public roads or thoroughfares situated within the City. (Ord. 63-05. Passed 11-2-05.)

#### **1158.04 Site Closure**

1. With the cessation of operations, all materials will either be removed or placed in an excavation and completely covered with dirt or integrated with the surrounding natural terrain formations.
2. With the cessation of operations, all filled in and covered excavations will be replanted or reforested so as to harmoniously integrate with local vegetation. (Ord. 63-05. Passed 11-2-05.)

#### **1158.05 Storage Costs**

1. Fees and bonds will be established pursuant to ORC Chapter 3714 to abate any damage or destruction to public roads, right of ways and bridges upon which vehicles proceeding to and from the storage site will traverse.
2. Council shall require the Operator to post a maintenance bond. A copy of all bonds associated with the site will be sent to the Building and Zoning Department, City of Niles, Ohio 34, West State Street, Niles, Ohio 44446. (Ord. 63-05. Passed 11-2-05.)

#### **1158.06 Hours Of Operation**

1. Hours of business and/or operation shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday.
2. Any deviation from the stated hours must be authorized by Council pursuant to a written request from the Operator. (Ord. 63-05. Passed 11-2-05.)

**TITLE FIVE - SUBDIVISION CONTROL**

**Chapter 1175 Planning Commission Regulations**

## **Chapter 1175 Planning Commission Regulations**

1175.01 Jurisdiction

1175.02 Procedure

1175.03 Preliminary Plat

1175.04 Final Plat

1175.05 Vacations And Replats

1175.06 Subdivision Standards

1175.07 Acceptance Of Dedicated Areas

1175.08 Variances

1175.09 Standard Forms

CROSS REFERENCES Plat acknowledgement and recording - see Ohio R. C. 711.06 Fee of designated public land to vest when plat recorded - see Ohio R. C. 711.07, 711.11 Plat approval required - see Ohio R. C. 711.09 Unlawful transfer of lots - see Ohio R. C. 711.13, 711.15

### **1175.01 Jurisdiction**

The rules and regulations contained in this chapter shall govern condominium developments or subdivision of land, as defined in Chapter 1105 of this Planning and Zoning Code, ~~the division of any parcel of land, including frontage along an existing street or highway, into two or more lots for the purpose, whether immediate or future, of transfer of ownership or for building development, including all changes in street or lot lines excepting only those divisions of land for agricultural purposes in parcels of more than ten acres and which do not involve any new streets or easements of access.~~

The Planning Commission hereby assumes jurisdiction over all condominium development and subdivisions of land within the corporate area of the City and the unincorporated area within three miles of the corporate boundaries thereof unless the land to be divided lies within the area of jurisdiction of more than one city or village planning commission, in which case the City Planning Commission of Niles, will assume jurisdiction over the land to be subdivided which lies nearer to the corporate boundaries of Niles, than to the corporate boundaries of any other city or village having a planning commission.

In the event a county or regional planning commission should be officially established having jurisdiction over any unincorporated area located within three miles of the corporate

limits of Niles, the City Planning Commission shall continue its jurisdiction over the unincorporated area previously described, but the City Planning Commission will not approve any subdivision of land in such area until and unless advice from approval has been received from such county or regional planning commission.

#### **1175.02 Procedure**

No person, firm or corporation proposing to make or have made a condominium development or a subdivision within the area of jurisdiction of the City Planning Commission shall make any contract for the sale of or shall offer for sale the subdivision or any part thereof or shall proceed with any work on the proposed condominium development or subdivision, including grading which may affect the arrangement of streets until such person, firm or corporation has obtained final plat approval from the Planning Commission ~~the tentative approval of the preliminary plat of the proposed subdivision~~ and has met the other requirements of this Planning and Zoning Code ~~herein set forth~~.

The engineering and surveying work required in connection with the making of any condominium development or subdivision shall be made by a registered engineer or surveyor in accordance with the provisions of the Engineers' and Registration Act of the Ohio Revised Code.

Each applicant for a condominium development or a subdivision ~~subdivider~~ should consult with the Planning Commission and the City Engineer to determine the ~~details of the~~ applicability of these regulations and such other City or County regulations which might apply to the laying out and improvement of any subdivision of land. If the land to be subdivided is located in the unincorporated area of jurisdiction of the City Planning Commission, the subdivider should also consult with the County Engineer with respect to the roads, drainage ~~and or other construction standards and requirements~~. If the proposed subdivision is located in the area of jurisdiction of a sanitary district, the Engineer for such district should be consulted and if the proposed subdivision is located in an unincorporated area where there is no sanitary district, the County Health Commissioner should be consulted with respect to wells and septic tanks if the subdivision is located beyond the availability of public sewer or water lines.

#### **1175.03 Preliminary Plat**

1. ~~Any applicant for a condominium development or subdivisionsubdivider~~ shall prepare and submit to the Planning Commission four black and white print copies of a preliminary and tentative plat of any subdivision of land.

The City Engineer will check the proposed subdivision for the Planning Commission to determine if such plat conforms to these requirements. If the subdivision is situated in the unincorporated area of jurisdiction of the Planning Commission, the City Engineer shall forward one copy of each proposed plat to the County Engineer, the County Sanitary Engineer and the County Health Commissioner.

When the Planning Commission has received the recommendation of the City Engineer with respect to the proposed subdivision, the Planning Commission shall approve or disapprove the proposed subdivision. In case of approval, the Planning Commission indicates its approval only of the layout submitted on the plat and the Chairman of the Planning Commission shall show the Planning Commission's action with respect to approval or disapproval on the plat of the subdivision as submitted, and shall inform the subdivider and other public agencies involved of the Planning Commission's action on the proposed plat.

The action of the Planning Commission in approving the plat of a proposed subdivision is preliminary or tentative and shall become void within one year if the plat of the subdivision is not again submitted for final approval. When the subdivision of a large tract of land is proposed, the subdivider may obtain the final approval of the Planning Commission of a portion of such subdivision within one year from the date of tentative approval and the Planning Commission, upon written request, may grant extensions of time for obtaining final approval of subsequent portions of the subdivision.

After the Planning Commission has given tentative approval to the plat of a subdivision of land, the subdivider should immediately prepare and submit for approval, detailed construction drawings and specifications for the improvements required to be installed in the subdivision. The drawings and specifications shall be submitted in such form as is required by the City or County agency involved. The subdivider must submit a certificate of completion from each City or County agency having jurisdiction over any improvements installed in a subdivision before a final plat may be submitted to the Planning Commission or the owner may post a bond or make a cash deposit in lieu of the installation of such improvements.

When all details required for the preparation of a final plat have been complied with, the subdivider shall submit a final plat of the subdivision of land to the Planning Commission.

A preliminary or tentative plat should be prepared and submitted as black and white reproduction prints from an original tracing and at a minimum size of eighteen inches by twenty-four inches. Should a larger size print be required, the preliminary plat may be submitted on prints enlarged in multiplies of six inches in each direction.

2. The preliminary plat shall show:

1. The proposed name of the subdivision which shall not duplicate the name of any other subdivision in the locality.
2. Location by section, town, range, township, county, state.
3. Name and address of the subdivider and the engineer.
4. Scale at a minimum of one inch equals 100 feet.
5. Date.
6. North point.
7. Boundaries of the proposed subdivision indicated by heavy solid line and the acreage contained therein.
8. Location, widths and names of all existing or platted streets, indicating also whether dedicated, undedicated, constructed or unimproved.
9. Railroad and utility rights of way, easements, parks and other public spaces, permanent buildings, section and corporation lines.
10. Existing sewers, water mains, culverts and other underground installations within the tract or adjacent thereto.
11. Names of adjacent subdivision and the names of owners of unsubdivided land.
12. Zoning districts, if any.
13. Contours at intervals of not more than five feet where the slope is less than ten percent. Elevations shall be based on sea level datum. Drainage channels, large trees, wooded areas, power transmission poles and lines and all other significant items should be shown.

14. Preliminary layout of streets including names and widths and widths of alleys or easements.
15. Layout, numbers and approximate dimensions of lots.
16. Parcels of land to be dedicated or reserved for public use.
17. Building setback lines.
18. Proposed use of lots.
19. A typewritten copy of the proposed covenants and restrictions.
20. A vicinity map at a scale of not more than 1000 feet equal one inch, showing the relation of the proposed plat to the surrounding territory.

#### **1175.04 Final Plat**

1. The Planning Commission will not consider a final plat of any subdivision of land until the required improvements have been completed or until in lieu of such completion, the subdivider has made arrangement satisfactory to the Planning Commission, guaranteeing the installations of such improvements either by cash deposit or by satisfactory bond.
2. The Planning Commission will accept a certification from the City Engineer for all subdivisions located within the corporate area of the City, or a certificate from the County Engineer, County Sanitary Engineer and County Health Commissioner for those subdivisions located in the unincorporated area of jurisdiction of the City Planning Commission, indicating that all improvements have been installed in accordance with their specifications.
3. If the required improvements have not been completed or installed, the subdivider shall submit to the Planning Commission a contract in four copies between the subdivider and the City, guaranteeing the completion or installation of the required improvements which contract must be supported by a performance bond with corporate surety satisfactory to the City and payable to the City of Niles, which bond shall be in an amount equal to the cost of construction of the required improvements, plus engineers' fees for layout and inspection based on an estimate furnished or approved by the City Engineer.

4. If the subdivision lies in the unincorporated area of jurisdiction of the City Planning Commission and the subdivider requests final approval of a subdivision before the required improvements are completed or installed, the City Planning Commission will not consider the final plat of such subdivision until a contract has been entered into between the subdivider and the Trumbull County Commissioners which contract must be supported by a performance bond with corporate surety satisfaction to the County Commissioners, which bond shall be payable to the State of Ohio, for the use and benefit of Trumbull County. The amount of such bond shall equal in amount the cost of construction of the required improvements plus engineers' fees for layout and inspection based on an estimate furnished by the County Engineer.

Any such performance bond shall stipulate that the improvements will be completed within the time specified in the contract. In the event the improvements are not installed by the time specified in the contract, the City of Niles or the County Commissioners may let a contract or contracts for the installation of the improvements and the bonding company will be severally and jointly liable for the costs thereof.

A cash deposit by certified check made payable to the City Treasurer or County Treasurer may be posted in lieu of a performance bond.

5. The subdivider shall submit four copies of a proposed final plat of a subdivision to the City Planning Commission for approval. The final plat will be reviewed by the City Engineer, and, if located in the unincorporated area of jurisdiction of the City Planning Commission, will be reviewed by the County Engineer, the County Sanitary Engineer and the County Health Commissioner in order to obtain such officials' certification of compliance with all subdivision standards, design requirements and specifications.

When a statement of compliance has been received from the City Engineer, County Engineer, County Sanitary Engineer or County Health Commission, the Planning Commission will consider the final plat. The Commission will approve or disapprove the final plat within thirty days. In the event the final plat is disapproved, the subdivider will be informed by letter in which shall be stated the reasons for disapproval. The approval of a final plat shall be indicated thereon by the signature of the Chairman of the City Planning Commission. Upon approval, the subdivider will be required to furnish one reproducible tracing of the plat and the necessary prints for distribution to the various officials concerned.

6. The final approval of a plat by the Planning Commission shall be null and void unless the plat is placed on file for recording within thirty days of approval.

The final plat shall be submitted in ink on tracing cloth on sheets eighteen inches by twenty-four inches and if a larger sheet is required the size may be increased in multiples of six inches in each direction.

7. The final plat shall show:

1. Name of subdivision.
2. Location by section, town, range, township, county, state.
3. North point, date, scale at not less than one inch equals 100 feet.
4. The plat boundaries.
5. Exact width and location of all streets and alleys within and adjoining the plat.
6. Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments which shall be accurately described on the plat.
7. Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and bearings.
8. Names of streets.
9. Lengths of all arcs, radii, internal angles, points of curvature and tangent bearings.
10. Easements for rights of way provided for public services or utilities.
11. Lot numbers and lines with accurate dimensions in feet and hundredths and with bearings or angles to street and alley lines.
12. Accurate locations and materials of monuments.
13. Building setback lines.
14. Protective covenants.
15. Certification by a registered civil engineer or surveyor to the effect that the plan represents a survey made by him and that all the monuments shown

thereon actually exist and that their location and material are correctly shown.

16. Acknowledgement by the owner or owners of his or their adoption of the plat, and dedication of streets and any other public areas.

17. Space for statement of approval by the Planning Commission.

#### **1175.05 Vacations And Replats**

If a replat of a subdivision is made, the procedures outlined in this chapter for making a new plat shall apply. Refer to Ohio R. C. 711.17 et seq. for procedure in obtaining vacation of a plat.

#### **1175.06 Subdivision Standards**

1. The streets in a subdivision shall conform to the Thoroughfare Plan adopted by the Planning Commission. If a subdivision includes any part of a street indicated in the Thoroughfare Plan, such part of such street shall be dedicated by the subdivider. Proposed streets shall provide for continuation or completion of any existing streets in adjoining property at equal or greater width and in similar alignment unless variation are recommended by the Planning Commission.

Street intersections shall be at right angles or as near thereto as possible.

Cul-de-sacs shall not be longer than 600 feet unless topography necessitates a greater length.

Street names shall be subject to the approval of the Planning Commission and shall not duplicate existing street names unless a street in a subdivision is an extension of an existing street in which case the street shall bear the same name.

Streets should be laid out with regard to topography, creeks, wooded areas or other natural features.

Half streets should be avoided. If a half street exists in an adjoining plat through platting or dedication, the other half shall be platted if deemed necessary by the Planning Commission.

Alleys should not be platted in residential districts. Alleys shall be platted in business areas and may be required in industrial areas. No dead-end alley will be approved.

Easements for utilities shall be provided along rear or side lot lines or along alleys if needed.

The Planning Commission will determine the minimum dimensional standards for

road rights of way, pavements, sidewalks and other street improvements for each subdivision.

Typical street requirements shall be as follows:

1. Major thoroughfares. Any major thoroughfare must be platted to the width shown on the Thoroughfare Plan. The street shall be paved a minimum width of forty feet and shall be provided with sidewalks five feet wide.
2. Business streets or secondary thoroughfares. The right of way shall be not less than sixty-six feet with a forty foot pavement. Sidewalks shall be installed not less than five feet wide.
3. Residential streets. The minimum street width shall be fifty feet with a twenty-seven foot pavement. Sidewalks shall be installed five feet wide.
4. Location of improvements. If a subdivision fronts on an existing street or highway, all required improvements shall be installed on the development side of the streets.
5. Cul-de-sacs. Cul-de-sacs streets shall be not less than fifty feet wide with a twenty-seven foot pavement. There shall be a turnaround at the end of such street with a minimum radius of forty-five feet. The Planning Commission may approve an equally safe and convenient form of turnaround should topographic or other conditions require.
6. Alleys. Alleys shall be not less than twenty feet wide and they shall be paved the full twenty feet. A minimum two foot easement is recommended along each side of an alley for the installation of utility lines.
7. Easements. Easements shall be not less than twenty feet wide (ten feet on each side of a lot line).
8. Grades. Minimum grades on any street or alley shall be 0.5 percent for purposes of drainage. The maximum grades shall be as follows:  
Major thoroughfares: six percent.  
Secondary thoroughfares: seven percent.  
Residential streets: ten percent.  
Alleys: ten percent.
9. Vertical curves. Major or secondary thoroughfares shall have a minimum sight distance of 400 feet, measured between points five feet above the

center line of the roadway.

Minor streets shall have a minimum sight distance of 200 feet measured between points five feet above the center of the roadway.

10. Minimum radii of curvature. Minimum radii of curvature on the center line shall be at least 500 feet for major or secondary thoroughfares and shall be a minimum of 100 feet for minor streets.
11. Tangents between reversed curves. Tangents between reversed curves shall be provided, not less than 200 feet on major or secondary thoroughfares and not less than 100 feet on minor thoroughfares.
12. Intersections. At street intersections, property line corners shall be rounded by an arc with a minimum radius of twenty feet.

2. The minimum standards for lot and block sizes are as follows:

1. Blocks shall not exceed 1600 feet in length.
2. Every lot shall abut on a street.
3. Double frontage lots shall not be platted.
4. The size, shape and orientation of lots shall be appropriate for the location and the type of development contemplated. Any lot platted for residential use shall be at least seventy feet wide at the setback line and shall be not less than 150 feet deep.
5. The side lines of lots shall be approximately at right angles or radial to street lines.
6. ~~The A building setback line shall be established on all lots to be used for residential purposes according to the zoning ordinance and on such other lots as the Planning Commission may require. The setback line shall be not less than thirty feet from the street line on corner lots a fifteen foot setback line shall be provided along the side lot line abutting a street.~~

3. The improvements ~~herein~~ required to be installed or performed in each subdivision shall be installed in accordance with the specifications of the City Engineer, the County Engineer, the County Sanitary Engineer or the County Health Commissioner, whoever has jurisdiction over the improvements to be installed. The following improvements shall be installed.

**Commented [TB217]:**  
**Recommendation:** State that the setback shall be as set forth in the applicable zoning district.  
**Reason:** Setbacks requirements should be part of the zoning district regulations.

**Commented [BR218R217]:** I agree.

1. Street grading. Streets and alleys shall be completed to grades which have been approved by the City Engineer or the County Engineer.
2. Surfacing and paving, curbs and gutters. Streets shall be paved and surfaced and curbs and gutters shall be installed in conformity with the minimum standards for water bound base and bituminous surface type of pavement together with the minimum standards for the installation of curbs and gutters as stipulated by the regulations of the City Engineer.
3. Sidewalks. Sidewalks shall be installed on any street within the City in conformity with the requirements of the City Engineer. The Planning Commission shall determine if sidewalks will be required on any street outside the incorporated area. If required, such sidewalks shall be installed in conformity with the requirements of the County Engineer.
4. Water system. Each lot in a proposed subdivision must be provided with a water connection at the edge of the pavement and access to the public water system if the subdivision is located within the City. The layout of the water system including the sizes of water mains and the methods of installation shall be approved by the official having jurisdiction over the water system to which it is proposed to connect.  
  
If the proposed subdivision is located in the unincorporated area, a water connection at the edge of the pavement and access to a public water system shall be provided for each lot, if a public water supply is reasonably accessible to the subdivision. The sizes of water mains and the methods of installation shall be approved by the official having jurisdiction over the water system to which it is proposed to connect.  
  
If a subdivision is located in the unincorporated area and there is no public water supply reasonably accessible, no subdivision will be approved until the subdivider can provide a source of water supply for each lot which will meet the approval of the County Board of Health or other health and sanitary agency involved.
5. Sanitary sewers. Each lot in a proposed subdivision which is located within the City shall be provided with a sanitary sewer connection and with access to a City sewer. The layout and installation of any such sewer system shall be approved by the City Engineer.  
  
Each lot in a proposed subdivision which is located in the unincorporated

area shall be provided with a sanitary sewer connection and with access to a public sanitary sewer, if a public sanitary sewer system is reasonably accessible. The layout and installation of a sanitary sewer system in an unincorporated area must be approved by the official having supervision over the public sanitary sewer system with which it is proposed to connect. Each connection to a sanitary sewer shall extend back of the curb line so that connection from each lot may be made without disturbing the street surfacing.

If the subdivision is located so that reasonable access to a public sanitary sewer system is not possible, the subdivider shall install a group disposal plant or each individual lot owner may install an individual disposal system, provided that each lot with an individual disposal system shall have a minimum lot area of 20,000 square feet with an average lot width of 100 feet, and further provided any such group disposal system shall be installed in compliance with the regulations of the County Board of Health or other health or sanitary agency involved. If, in the opinion of the public health agency involved, the soil, topography or proposed use of the property so require, the Planning Commission may require a greater lot area and a greater width of lot than above specified.

6. Storm drainage. Storm drainage may not empty into any sanitary sewer. If a storm water sewer is reasonably accessible to a proposed subdivision, the subdivider shall connect with such storm drainage system and shall do such grading and provide such drainage structures as may be required by the City Engineer or by the County Engineer if the property is located in the unincorporated areas.

If the subdivision is located in an area where a public storm water sewer system is not available, the subdivider shall do such grading and provide such drainage structures as may be required by the City Engineer or by the County Engineer if the subdivision is located in the unincorporated area.

7. Street trees. It is recommended that street trees be planted as a part of a subdivision development. Street tree plantings, including size, species and location shall be approved by the Planning Commission.
8. Street signs. Street signs will be installed at all street intersections by the City on all streets whose dedication for public use is accepted by the City. The

subdivider will be required to install street signs at all intersections in subdivisions within the unincorporated area.

9. Monuments. Monuments of concrete not less than three feet long and four inches square or round at the top with a bronze cap with a crossmark thereon and approved as to construction by the City Engineer shall be set at the intersections of all outside boundary lines of the plat, at the intersections of the boundary lines with all street lines, at all street intersections, at the beginning and end of all curves, at points on curves where the radius or direction changes and at such other points as are necessary to definitely establish all lines of the plat.  
Hardwood stakes at least eighteen inches long and at least two inches square shall be set at the corners of all lots or permanent iron pins at least thirty inches long and three-quarters of an inch in diameter may be placed at all lot corners.

#### **1175.07 Acceptance Of Dedicated Areas**

If a subdivider dedicates streets, alleys or other areas for public use, official acceptance of such dedicated areas must be obtained from Council for those areas situated within the incorporated area of the City after final approval of the subdivision by the Planning Commission. In a subdivision situated outside of the incorporated area, the official acceptance of such dedicated areas must be obtained from the County Commissioner of Trumbull County.

#### **1175.08 Variances**

Where the topography or other physical conditions are such that compliance with the foregoing requirements would cause practical difficulty and unnecessary hardship, the Planning Commission may vary the minimum requirements herein prescribed in such manner as will protect the public health, safety, convenience and the general welfare of the community.

#### **1175.09 Standard Forms**

The following forms shall be used on the final plat of a subdivision:

1. OWNER'S CERTIFICATE

I/we hereby certify that I/we are the owner/owners of the lands hereon platted and hereby adopt the plan of the subdivision of the property as shown hereon and do hereby dedicate to the public all public ways and easements. Name Witness  
 Witness Name Witness Witness State of Ohio, Trumbull County, ss Before me, the undersigned, a notary public in and for said county and state, personally appeared and acknowledged the signing and execution of the above plat. In testimony whereof, I have hereunto set my hand and notary seal this day of [date] 19 . Notary Public in and for Trumbull County, Ohio

2. CERTIFICATE OF ENGINEER OF SURVEYOR

I hereby certify that the plat shown hereon is a true and correct survey made by me or under my supervision and that approved monuments have been placed as indicated. Registered Engineer and Surveyor

3. CITY PLANNING COMMISSION APPROVAL

Approved by the City Planning Commission of Niles, Ohio, this day of [date] 19 .  
 Chairman

4. ACCEPTANCE BY CITY COUNCIL OR COUNTY COMMISSIONERS

The lands hereon dedicated to public use are hereby accepted by Ordinance No. , passed the day of \_\_\_\_ [date], 19 . Board of County Commissioners Trumbull County, Ohio ~~Commissioner Commissioner Commissioner Clerk, Board of County Commissioners~~

5. RECORD

Recorded , Book , Page , of the County Recorder's Office of Trumbull County, Ohio.  
 County Recorder

**Commented [TB219]:** Correct this form

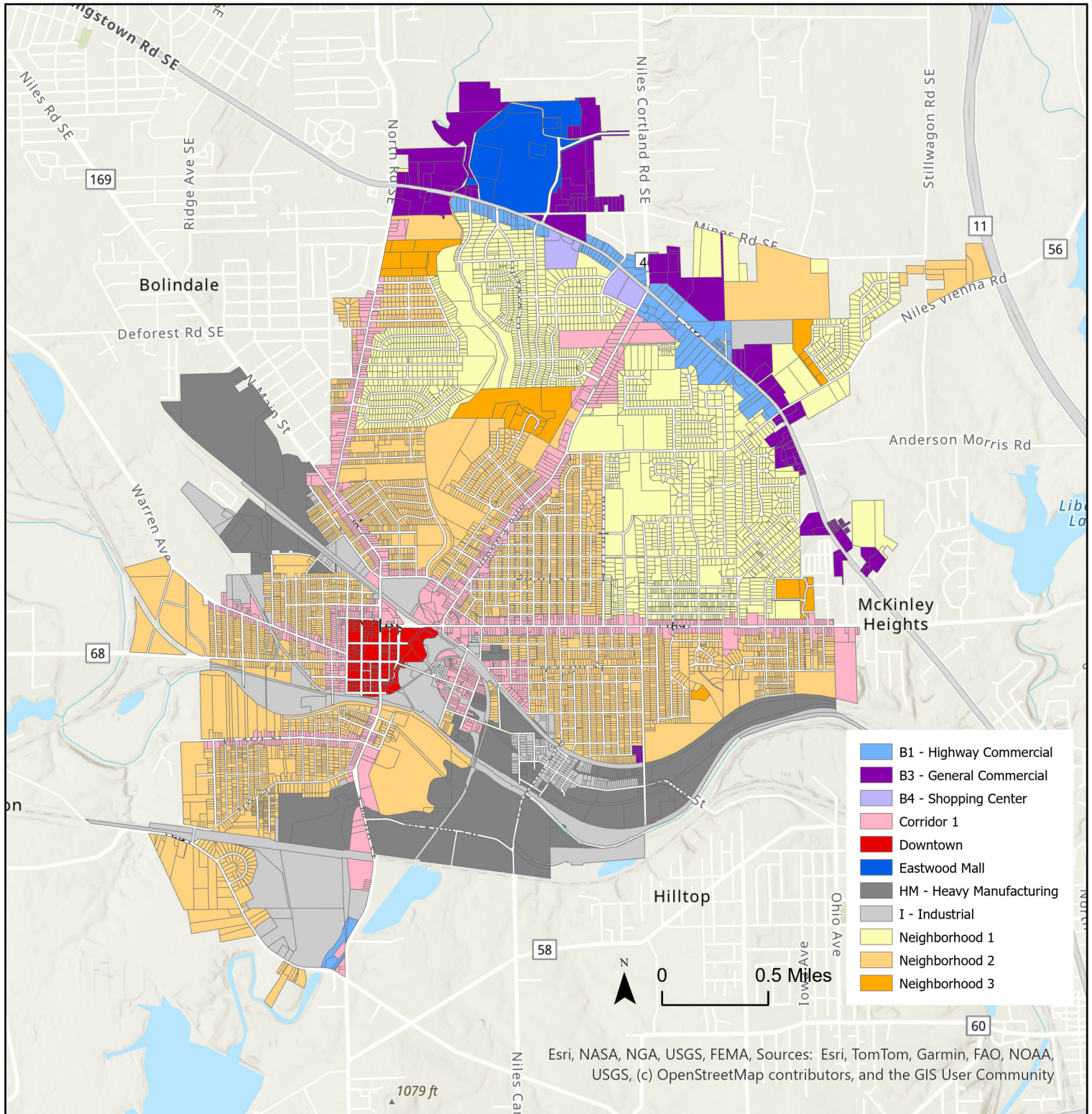
**Commented [BR220R219]:** NEED LEGAL CONFIRMATION

**Commented [NN221R219]:** This is okay as drafted.

# Niles, OH, Proposed Zoning Map

## Version: 3/30/2026

### (NOT ADOPTED)



# City of Niles, Ohio

SPONSORED BY: COMM. DEV. AND NEIGHBORHOOD STAB.      DRAFT NO. 54-26  
AUTHORIZED BY: ALL MEMBERS

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ENTER INTO A LEASE AGREEMENT WITH OPTION TO PURCHASE WITH VON ISLEY ESTATE, LLC; AND, DECLARING AN EMERGENCY.

WHEREAS, the Community Improvement Corporation of Niles owns the real property located on Third Street, City of Niles, Parcel No. 25-900944 and has advertised an RFP for redevelopment of the vacant parcel; and,

WHEREAS, Von Isley Estate seeks to acquire and redevelop the vacant parcel on Third Street through the Lease Agreement to allow expansion and promotion of their current business offerings with their current property located at 547 S Main Street, Parcel No. 25-005504; and,

WHEREAS, Council passed Ord. No. 144-22 for the transfer of such property from the City of Niles to CIC with the requirement that any proposed use or transfer of property by the CIC to another entity be approved by Niles City Council; and

WHEREAS, Council seeks to authorize the Lease Agreement with Option to Purchase Property, attached hereto, between the CIC and Von Isley Estate, LLC to promote downtown revitalization and betterment of the community and surrounding properties.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the Community Improvement Corporation to enter into a Lease Agreement with Option to Purchase with Von Isley Estate, LLC to allow for continued downtown improvement and betterment.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare and to allow the parties to enter into the agreement at the earliest time possible. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PASSED: \_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_,  
2026 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: JOHNSTONE

DRAFT NO. 68-26

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING MONTHLY CASH TRANSFERS; AND,  
DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Authorizing the cash transfer of Six Hundred Thousand Dollars and 00/100 (\$600,000.00) from the General Fund Account No: 101-1090-59000 to the following Funds:

| Cash Transfers - April                                    |                            |                     |
|-----------------------------------------------------------|----------------------------|---------------------|
| From General Fund 101 TRANSFER Account 101-1090-59000 To: |                            |                     |
| Fund 215                                                  | Police Pension             | \$50,000.00         |
| Fund 216                                                  | Fire Pension               | \$50,000.00         |
| Fund 217                                                  | Police & Fire 1%           | \$500,000.00        |
|                                                           | <b>TOTAL CASH TRANSFER</b> | <b>\$600,000.00</b> |

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the reason that these funds are to be transferred on a regular basis. As such an emergency measure, this Ordinance shall take effect immediately upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: JOHNSTONE

DRAFT NO. 69-26

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND TO CONTRACT WITH Z TECH BUILDERS FOR EMERGENCY STORM CULVERT REPAIR; AND, DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code 735.051, there is a case of real and present emergency arising in connection with the operation and maintenance of the department of public service wherein a 48 inch storm culvert requires emergency repair; and

WHEREAS, the estimated cost for the emergency repair is \$165,000.00 and the City of Niles contracted with Z Tech Builders to complete the repair; and

WHEREAS, Council seeks appropriation of funds to complete payment of the invoice when it is due and payable.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the Auditor to submit payment to Z Tech Builders as an emergency pursuant to ORC 735.051. Further, and if necessary, Council also authorizes this to be paid as a then and now payment in the amount of \$165,000.00.

SECTION 2: Council hereby authorizes the following appropriations of funds from the Unappropriated Sewer Fund to the following account listed below:

| APPROPRIATION FROM UNAPPROPRIATED FUNDS |                |                  |               |
|-----------------------------------------|----------------|------------------|---------------|
| FUND                                    | ACCOUNT NUMBER | DESCRIPTION      | Appropriation |
| 503 - Sewer                             | 503-5353-53980 | Contracted Labor | \$165,000.00  |
| Total Appropriation                     |                |                  | \$165,000.00  |

SECTION 3: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare in order to mitigate further loss to the City. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: JOHNSTONE

DRAFT NO. 70-26

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND FOR THE NILES LEAD SERVICE LINE POTHOLING PROJECT; AND, DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the following appropriations of funds from the Unappropriated Water Fund to the following accounts listed below in the total amount of Four Hundred Thirty-One Thousand Three Hundred Five Dollars and 00/100 (\$431,305.00):

| APPROPRIATION FROM UNAPPROPRIATED FUNDS |                |             |               |
|-----------------------------------------|----------------|-------------|---------------|
| FUND                                    | ACCOUNT NUMBER | DESCRIPTION | Appropriation |
| 501 - Water                             | 501-5151-56440 | OWDA Loan   | \$431,305.00  |
| Total Appropriation                     |                |             | \$431,305.00  |

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the reason that these funds are immediately needed for commencement of the project at the earliest time allowable. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 71-26

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AUTHORIZING EXECUTION OF LOAN AGREEMENT, EXECUTION AND DELIVERY OF PROMISSORY NOTE; AND, DECLARING AN EMERGENCY.

WHEREAS, American Municipal Power, Inc. ("AMP") and the City of Niles (the "City") wish to cooperate in connection with financing improvements to the City's electric system necessary to implement an advance metering program (the "Project").

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, OHIO:

SECTION 1. That it is necessary to borrow the amount of not to exceed \$3,500,000 for the purpose of providing financing for the Project. Such amount shall be borrowed from AMP, shall be repayable solely from the net revenues of the electric system and otherwise on the terms and conditions set forth in the Loan Agreement and Promissory Note authorized in Section 2 hereof and attached hereto and made a part hereof.

SECTION 2. That the Mayor or their designee is authorized to execute and deliver, on behalf of the City, a Loan Agreement and Promissory Note substantially in the form of the Loan Agreement and Promissory Note attached to this Ordinance and made a part hereof.

SECTION 3. That the Loan Agreement and Promissory Note shall grant to AMP a lien on the revenues of the City's electric system, and the City covenants to take all necessary steps to establish such lien.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City for the reason that the funding of additional improvements to the City's electric system must be assured at the earliest possible time; therefore, this Ordinance shall take effect immediately upon its adoption and approval by the Presiding Officer.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: JOHNSTONE

DRAFT NO. 73-26

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH LINDY PAVING FOR FIRST STREET PAVING; AND, DECLARING AN EMERGENCY.

WHEREAS, Linday Paving was awarded the 2026 Local Street Resurfacing project set to begin in July of 2026; and

WHEREAS, First Street was originally included in the bid project; and

WHEREAS, Council desires to have First Street resurfaced prior to the opening of Riverside Park; and

WHEREAS, a direct hire of Lindy Paving, Inc is appropriate as the cost of resurfacing First Street is \$36,166.50.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the Service Director to contract with Lindy Paving, Inc. for the resurfacing of First Street.

SECTION 2: This Resolution is declared to be an emergency measure in the interest of the public health, safety and welfare and to allow resurfacing to be completed in time for the opening of Riverside Park. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: SAFETY  
AUTHORIZED BY: JULIAN

DRAFT NO. 74-26

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY OF NILES TO PROCEED WITH THE DEMOLITION OF UNSAFE STRUCTURES IN THE CITY OF NILES, TRUMBULL COUNTY, OHIO, AND TO REQUEST THE ASSISTANCE AND COOPERATION OF THE TRUMBULL COUNTY LAND REUTILIZATION CORPORATION IN EFFECTING THE SAME ; AND, DECLARING AN EMERGENCY.

WHEREAS, the City of Niles has the legal authority pursuant to State and Local Ordinances to arrange for demolition of unsafe structures; and

WHEREAS, the structures listed below located in the City of Niles, in Trumbull County, Ohio, have been found to be in an unsafe condition and it is determined by Council that this structure needs to be demolished, authorizing the same to be demolished:

| Address         | Permanent Parcel No. | Owner           |
|-----------------|----------------------|-----------------|
| 133 W 3rd       | 25-532200            | Timothy Furey   |
| 209 Niel        | 25-400735            | Barbara Deceder |
| 1920 Park Drive | 20-031400            | John Luster     |

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council does hereby find and determine that the structures listed above in the City of Niles, Trumbull County, Ohio are in unsafe conditions, and should be demolished; and that the Administration is hereby authorized to carry out such actions as may be necessary to accomplish the same according to law.

SECTION 2: That this Council hereby requests that the Trumbull County Land Reutilization Corporation to assist and cooperate with the City Administration to accomplish the demolition of said structure; and specifically, this Council requests that Trumbull County Land Reutilization Corporation to exercise its authority to demolish the structure for the expense thereof, and this Council authorizes the Trumbull County Land Reutilization Corporation to enter into such contracts, execute such documents, and do all things as may be necessary to accomplish the same.

SECTION 3: That the formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: That this Resolution is hereby declared to be an emergency measure in the interests of the public health, safety and welfare for the reason that this Resolution must be implemented in a timely manner to allow the Trumbull County Land Reutilization Corporation to demolish the property while funding is still available. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Received by the Mayor of the City of Niles this \_\_\_\_\_ day of \_\_\_\_\_, 2026,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 75-26

ORDINANCE NO. \_\_\_\_\_

A ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH WIRING UNLIMITED, INC. FOR SCADA AND IT AT THE WASTEWATER TREATMENT PLANT THROUGH 2026; AND, DECLARING AN EMERGENCY.

WHEREAS, the City of Niles Sewer Department advertised for bid proposals for SCADA and IT at the Wastewater Treatment Plant in 2025; and

WHEREAS, Wiring Unlimited, Inc. was the awarded bidder for the software services, and entered into a contract with the City of Niles to provide the services, not to exceed two years;

WHEREAS, City of Niles seeks to enter into a contract with Wiring Unlimited, Inc. for year two of their services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the Service Director to contract with Wiring Unlimited, Inc. on behalf of the Sewer Department for SCADA and IT at the Wastewater Treatment Plant through 2026.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare to allow the City to be in compliance with the required software at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR