

City of Niles, Ohio

SPONSORED BY: COM. DEV. NEIGHBORHOOD STAB. DRAFT NO. 92-26

AUTHORIZED BY: ALL MEMBERS

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND ACCOUNT 101 TO THE GENERAL FUND MISCELLANEOUS ACCOUNT FOR THE CITY FUNDED BUSINESS GRANT APPROVED BY THE COMMUNITY IMPROVEMENT CORPORATION OF NILES FOR SAINT POPE JOHN PAUL XXIII; AND, DECLARING AN EMERGENCY.

WHEREAS, the Community Improvement Corporation of Niles requested applications for a City funded grant for improvement of businesses in the City of Niles.

WHEREAS, the Community Improvement Corporation of Niles approved applications for the reimbursement grant intended for improvement of Saint Pope John Paul XXIII Mt. Carmel Church, located within the City of Niles.

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

SECTION 1: Council hereby authorizes the following appropriation from the Unappropriated General Fund Account 101 to the General Fund Miscellaneous Account for the Community Improvement Corporation reimbursement grant:

APPROPRIATION FROM UNAPPROPRIATED FUNDS			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
101 - General Fund	101-1090-57050	Miscellaneous	\$15,000.00
Total Appropriation			\$15,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare so that the grant may be funded for the reimbursement to the business for the improvements. 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: COM. DEV. NEIGHBORHOOD STAB. DRAFT NO. 93-26

AUTHORIZED BY: ALL MEMBERS

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND ACCOUNT 101 TO THE GENERAL FUND MISCELLANEOUS ACCOUNT FOR THE CITY FUNDED BUSINESS GRANT APPROVED BY THE COMMUNITY IMPROVEMENT CORPORATION OF NILES FOR HIGG’S HOT RODS; AND, DECLARING AN EMERGENCY.

WHEREAS, the Community Improvement Corporation of Niles requested applications for a City funded grant for improvement of businesses in the City of Niles.

WHEREAS, the Community Improvement Corporation of Niles approved an application for the reimbursement grant intended for improvement of Higg’s Hot Rods, a business within the City of Niles.

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

SECTION 1: Council hereby authorizes the following appropriation from the Unappropriated General Fund Account 101 to the General Fund Miscellaneous Account for the Community Improvement Corporation reimbursement grant:

APPROPRIATION FROM UNAPPROPRIATED FUNDS			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
101 - General Fund	101-1090-57050	Miscellaneous	\$4,493.77
Total Appropriation			\$4,493.77

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare so that the grant may be funded for the reimbursement to the business for the improvements. 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: SAFETY COMMITTEE
AUTHORIZED BY: ALL MEMBERS

Amended 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

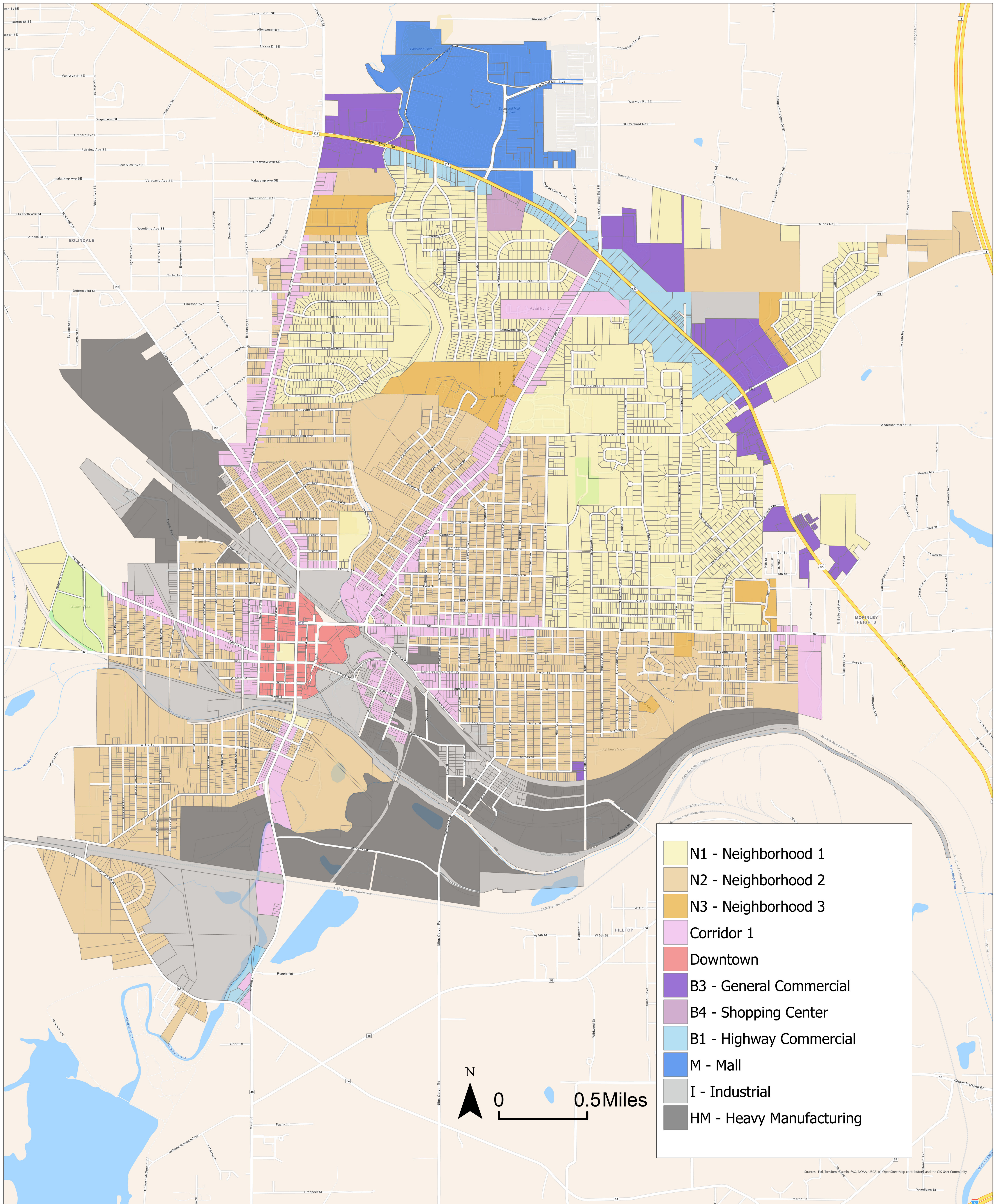
PASSED: _____

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

Niles, OH, Proposed Zoning Map
Version: 5/19/2026
(NOT ADOPTED)



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

Chapter 1101 General Provisions

1101.01 Maps

1101.02 Confirmation Of Prior Ordinances

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.)

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.)

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 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 or other open space for another building. (Ord. 9826-70. Passed 12-2-70.)

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
- 1105.07 Duplex
- 1105.08 Dwelling Unit
- 1105.09 Five-plex
- 1105.10 Four-plex
- 1105.11 Garage
- 1105.12 Infill 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
- 1105.23 Six-plex
- 1105.24 Street
- 1105.25 Subdivision
- 1105.26 Townhomes
- 1105.27 Triplex
- 1105.28 Zoning Ordinance

CROSS REFERENCES

General Code definitions - see ADM. 101.02

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.)

1105.02 Accessory Dwelling Unit

“Accessory Dwelling Unit” means a secondary dwelling unit that is:

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

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.)

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.)

1105.05 Condominium Development

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

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.

1105.07 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. “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 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.

1105.11 Garage

1. "Private Garage" means a building or space used as an accessory to a dwelling and 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.)

1105.12 Infill Lot

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

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

"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.

1105.16 Multi-unit Dwelling

"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

"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

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

1105.20 Primary Dwelling

"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.

1105.21 Public Utility

"Public utility" means public water, light, sewer and telephone facilities.

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.

105.25 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

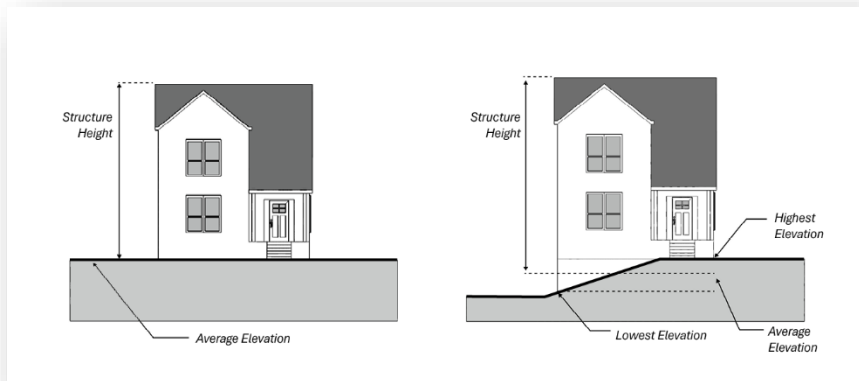
“Triplex” means a structure containing three dwellings, each occupied by an independent housekeeping unit, such as a family or roommates. The three dwelling units of a triplex are commonly attached either as a side-by-side orientation, an up-and-down orientation, a front-and-rear orientation, or some 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.

1105.28 Zoning Ordinance

"Zoning Ordinance" or "Ordinance" as used herein means Ordinance, as amended, which is codified as Titles One and Three of this Part Eleven - Planning and Zoning Code.

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).

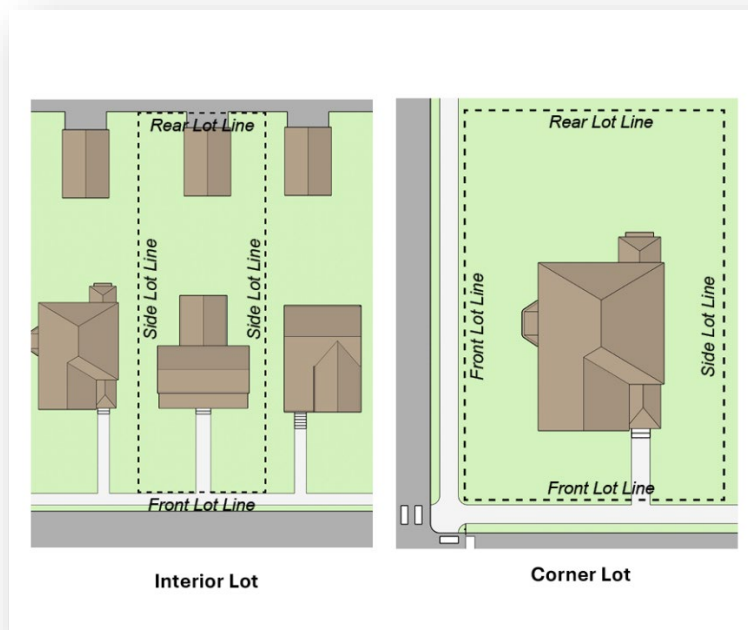
1106.02 Exceptions to Height Measurements

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."

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.

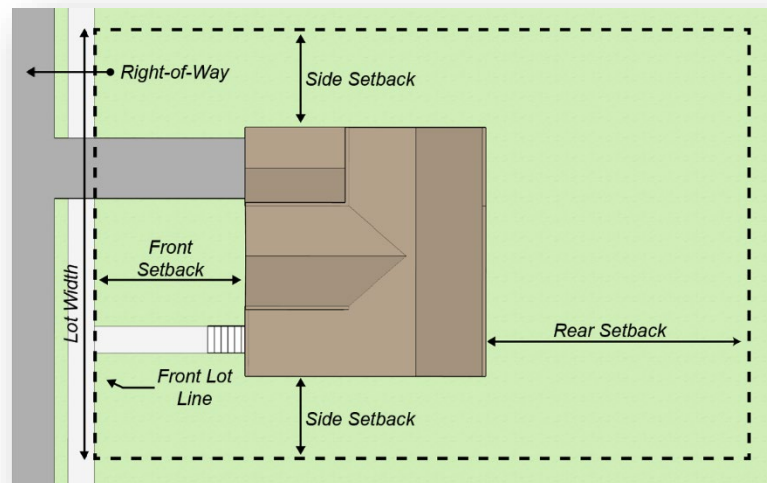
1106.03 Lot Lines and Building Setbacks

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.



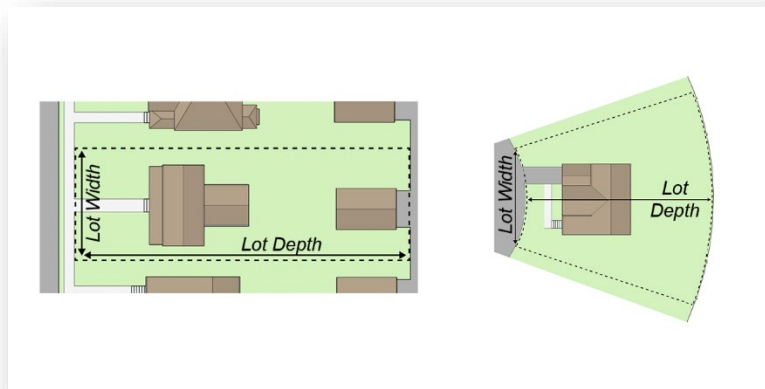
Graphic above showing lot line designations for an interior lot (left) and a corner lot (right).

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.”



Graphic above showing lot lines and setbacks.

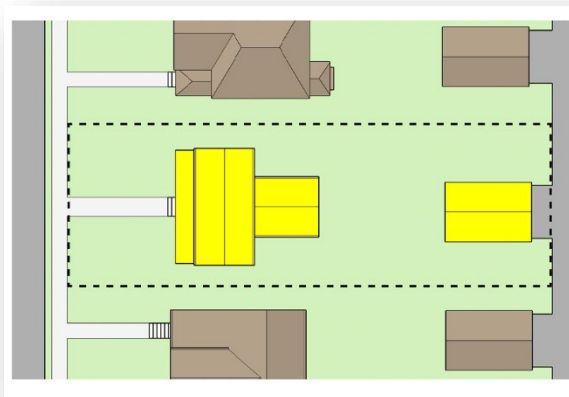
9. **Lot Width.** The lot width is the length of a lot's shortest front lot line.
10. **Lot Depth.** The lot depth is the shortest distance between the front lot line and the rear lot line.



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.

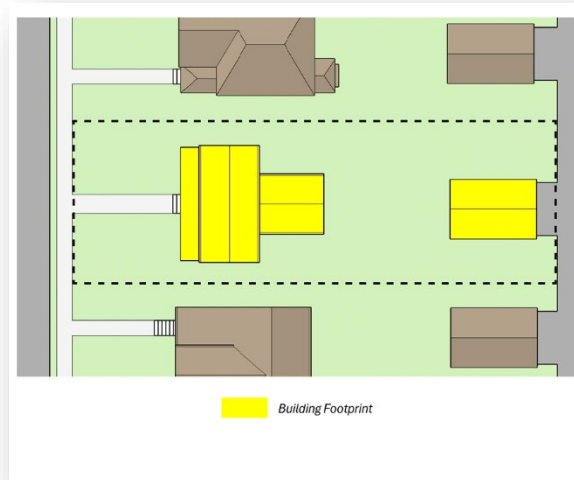


Graphic above showing lot area as all area within the dotted black lines.

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

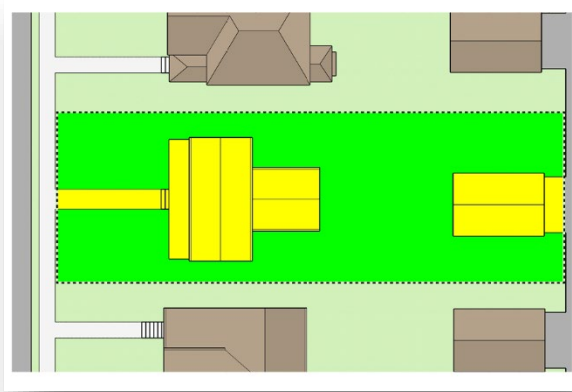
areas. Building footprint shall also include areas of the building with half-walls, such as porches. Building footprint shall not include roof overhangs, eaves, awnings, canopies, porches having shorter than half walls or no walls, and similar architectural features.



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.



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. 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.
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 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 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.)

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.)

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 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.)

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.

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.)

11. 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.
12. 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.)
13. EDITOR'S NOTE: Former subsection (n) was repealed by Ordinance 32-92, passed June 17, 1992.
14. 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.)

Chapter 1117 Amendments

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 Nonconformities

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

- 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 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.

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.

TITLE THREE - ZONING DISTRICTS AND REGULATIONS

Chapter 1129 Districts Established And Zoning Map

Chapter 1131 Neighborhood 1 District

Chapter 1133 Neighborhood 2 District

Chapter 1135 Neighborhood 3 District

Chapter 1137 B-1 Highway Commercial District

Chapter 1139 Corridor 1 District

Chapter 1141 B-3 General Commercial District

Chapter 1143 B-4 Shopping Center District

Chapter 1145 Downtown District

Chapter 1146 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

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

(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 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 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 Neighborhood 1 District until otherwise designated by City Council. (Ord. 05-10. Passed 4-7-10.)

Chapter 1131 Neighborhood 1 District

1131.01 Permitted Uses

1131.02 Regulations For Accessory Buildings

1131.03 Heights; Yards; Setbacks; Areas

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 Neighborhood 1 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 housekeeping unit, living and entering independently of any other housekeeping unit.
2. Accessory dwelling units, as regulated in Chapter 1157.
3. The taking of boarders or leasing of rooms by a resident 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.
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.)

1131.02 Regulations For Accessory Structures

Accessory structures shall be subject to the following regulations:

1. No accessory structures shall be used for the conduct of any land use not permitted in the zoning district in which it is located.
2. Accessory structures shall be permitted for the following purposes:
 1. Detached private garage on the same lot as the principal building.
 2. Storage building or structure, including a green house, pool house, gazebo and similar structures typically associated with residential use.
3. Accessory structures may only be located in the side or rear yard.
4. The area occupied by all permitted accessory 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 structure exceed the ground floor area of the principal building of the lot.
5. Any permitted accessory 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 structure shall be 4/12. The maximum height of any accessory 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 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.

10. Swimming pools shall not be considered an accessory 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 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

1131.04 Heights; Yards; Setbacks; Areas

In the Neighborhood 1 District the following limitations and requirements shall apply:

Height and Bulk Standards		
Lot Standards		
	Lot Area	7,500 sq. ft. min.
	Number of Principal Structures per Lot	No lot may contain more than 1 principal structure
Building Placement Standards		
	Front Yard Setback	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. Note: Front steps do not need to conform to this provision
	Side Yard Setback of Principal Structures	5 ft. min for each side; 15 ft. min. for total of both sides 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.
	Rear Yard Setback	40 ft. min.
Other Standards		
	Building Height	30 ft. max., except that churches, hospitals, schools, and any other public building may be built to 60 ft. max.

Chapter 1133 Neighborhood 2 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 the Neighborhood 2 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;
2. A duplex;
3. A triplex;
4. A four-plex;
5. Accessory uses as permitted in Section 1131.02, except accessory dwelling units;

1133.02 Height, Bulk And Lot Area Regulations

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

	Height and Bulk Standards	
Lot Standards		
	Lot Area	7,500 sq. ft. min.
	Number of Principal Structures per Lot	No lot may contain more than 1 principal structure
Building Placement Standards		
	Front Yard Setback	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. Note: Front steps do not need to conform to this provision
	Side Yard Setback of Principal Structures	5 ft. min for each side, except noting that, for duplexes, triplexes, and four-plexes, buildings may straddle lot lines
	Rear Yard Setback	40 ft. min.
Other Standards		
	Building Height	30 ft. max., except that churches, hospitals, schools, and any other public building may be built to 60 ft. max.

Chapter 1135 Neighborhood 3 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, 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.
2. Any use permitted in the Neighborhood 2 District.
3. A five-plex;
4. A six-plex;
5. A multi-unit dwelling, 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.

1135.03 Height And Bulk Regulations

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

Height and Bulk Standards		
Lot Standards		
	Lot Area	9,800 sq. ft. min.
	Number of Principal Structures per Lot	A lot may contain more than 1 principal structure
Building Placement Standards		
	Front Yard Setback	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. <i>Note:</i> Front steps do not need to conform to this provision

	Height and Bulk Standards	
	Side Yard Setback of Principal Structures	For one-unit dwellings: 10 ft. min. to any side lot line; For two-unit dwellings and larger: 50 ft. min to any side lot line where abutting a Neighborhood 1 District; 30 ft. min. to any side lot line where abutting a Neighborhood 2 District; 25 ft. min. to any side lot line where abutting any other district; Note however that, for duplexes, triplexes, four-plexes, five-plexes, six-plexes, and multi-unit dwellings, buildings may straddle lot lines 30 ft. min. is required between separate residential structures on the same lot
	Side Yard Setback of Detached Garages	5 ft. min.
	Rear Yard Setback	40 ft. min.
Other Standards		
	Building Height	35 ft. max., except that churches, hospitals, schools, and any other public building may be built to 60 ft. max.

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.)

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.

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.)

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.)

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.)

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

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. 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

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 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:

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; 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. 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

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

Height and Bulk Standards		
Lot Standards		
	Lot Area	10,500 sq. ft. min.
	Number of Principal Structures per Lot	No lot may contain more than 1 principal structure
Building Placement Standards		
	Front Yard Setback	30 ft. min. for principal and accessory buildings
	Side Yard Setback of Principal Structures	10 ft. min. from each side*; and 25 ft. min. for total of both sides* Note however that, for duplexes, triplexes, four-plexes, five-plexes, six-plexes, and multi-unit dwellings, buildings may straddle lot lines
	Rear Yard Setback	30 ft. min. where abutting the Neighborhood 1, Neighborhood 2, or Neighborhood 3 District*; otherwise, 0 ft. min.
Other Standards		
	Building Height	35 ft. max., except that churches, hospitals, schools, and any other public building may be built to 60 ft. max.
	Lot Coverage	50% max. for buildings; and 75% max. for impervious surface coverage
Notes		
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.		

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. Retail stores and businesses.
2. Advertising signs, structures or billboards.
3. 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.
4. Auditorium.
5. Art or antique shop. (Ord. 9826-70. Passed 12-2-70.)
6. 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.)
7. Automobile sales room and service establishment, provided any such services for repairs shall be entirely located within a building.
8. Bakery.

9. Barber shop, beauty parlor.
10. Bank.
11. Book store.
12. Baseball or football stadium.
13. Baths, Turkish or Swedish or similar establishments.
14. Bird store or pet shop; taxidermist.
15. Business college.
16. Blueprinting or photostating.
17. Carpenter or cabinet shop.
18. Catering establishment.
19. Confectionery store.
20. Drug store.
21. Dry goods or notions store.
22. Dry cleaning and pressing establishment, provided only nonexplosive and nonflammable fluid is utilized.
23. Department store, furniture store, radio store.
24. Drive-in business where persons are served food or where purchases can be made from an automobile.
25. Feed or fuel store, wholly within a building.
26. Florist or gift shop.
27. Film exchange.
28. Frozen food locker not including wholesale cold storage.
29. Hardware or electric appliance store.
30. Grocery, fruit or vegetable store.
31. Hotel, motel.
32. Ice storage house of not more than five tons capacity.

33. Interior decorating shop.
34. Jewelry store.
35. Laundry.
36. Medical or dental clinic and laboratory.
37. Meat market, delicatessen store.
38. Music conservatory or music instruction.
39. Newsstands.
40. Office, business or professional.
41. Pawnshop.
42. Plumbing or sheet metal shop, if conducted wholly within a completely enclosed building.
43. Printing, lithographing or publishing.
44. Photographer.
45. Public garage, public parking area.
46. Restaurant, tea room, cafe, tavern.
47. Shoe store, shoe repair shop.
48. Second-hand store, if conducted wholly within a completely enclosed building.
49. Sign painting shop.
50. Studio.
51. Theater.
52. Tailor, clothing or wearing apparel shop.
53. Tire shop.
54. Trade or commercial school, provided there are no objectionable features such as noise, odor or vibration.
55. Undertaking establishment, funeral home.
56. Upholstering shop.

57. 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.

58. Wholesale merchandise broker, excluding wholesale storage.

59. 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.

60. 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.)

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

62. Storage buildings.

63. Day care centers permitted by Ohio law.

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

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.)

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. 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.)

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.)

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.)

1143.03 Accessory Uses Permitted

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

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.)

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.)

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.)

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.)

1143.08 Off-Street Parking And Loading

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

1143.09 Required Procedure

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.)

Chapter 1145 Downtown District

1145.01 Established

1145.02 Permitted Uses

1145.03 Heights

1145.04 Rear Yards

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 is herein created with the following regulations. (Ord. 9826-70. Passed 12-2-70.)

1145.02 Permitted Uses

In the Downtown 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.
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

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.)

1145.08 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 Mall District

- 1146.01 Established
- 1146.02 Permitted Uses
- 1146.03 Building Height Limits
- 1146.04 Required Lot Area
- 1146.05 Percentage of Lot Coverage
- 1146.06 Setback
- 1146.07 Floor Area Ratio
- 1146.08 Off-Street Parking and Loading
- 1146.09 Signs
- 1146.10 Storm Water Management Requirements

1146.01 Established

This District is designed to provide a mixed-use environment that enhances the City of Niles 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 of Niles 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 Mall District, no lot or portion thereof may be used except for one or more of the below listed principal uses, together with its/their customary accessory uses:

1. Any use permitted in any of the Neighborhood Districts or Commercial Districts.
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 stations.
20. Government and institutional uses.
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

No structure shall exceed 150 feet in height.

1146.04 Required Lot Area

The minimum lot area required for lots in this District is 10,500 square feet.

1146.05 Percentage of Lot Coverage

There will be no lot coverage restrictions in this District.

1146.06 Setback

1. If a lot in the Mall District abuts a City of Niles Residential Zoning District, then the minimum setback is 10 feet.

2. For new development, the lot will be subject to the buffer zone requirement set forth in Section 1157.06.

1146.07 Floor Area Ratio

There shall be no Floor Area Ratio restriction in this District.

1146.08 Off-Street Parking and Loading

In the Mall District, 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 in lieu of Chapter 1153 Off-Street Parking and Loading.

1. All vehicle parking spaces shall be used for parking only.
2. No signs shall be displayed in any such parking spaces except signs to direct the orderly use of such spaces.
3. The parking space on any lot, as set forth and designated in this Section 1146.08, shall be deemed to be required open space on such lot, in addition to any yard space required by the provisions of this Section 1146.08, and shall not be reduced or encroached upon in any manner.
4. Access drives adjacent to public right-of-way shall have adequate width to accommodate truck routes necessary for business operations.
5. Uses of off-street parking areas in the Mall District are permitted for temporary fairs, festivals, retail displays and tents.
6. In determining the number of parking spaces required, when the calculation of required parking spaces results in a fractional part, fractional part shall be disregarded.
7. In calculating required parking spaces for non-residential use, in this Zoning Ordinance, "floor area" shall mean in the case of offices, merchandising, or service types of uses, the gross leasable floor area of the structure.
8. Calculation of minimum required off-street parking spaces for non-residential uses shall be re-calculated in the event of floor area increases or use changes for the applicable structure.

9. 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. A business which employs 300 or more employees may supply off-street parking at a distance greater than 300 feet from the employee building entrance, upon approval of the City Planning Commission.
10. The off-street parking requirements for uses not specifically mentioned herein, shall be the same as those required for uses of a similar nature.
11. Shared off-street parking lots may be provided; however, the minimum number of parking spaces provided in the shared parking lot shall be no less than 50 percent of the minimum parking spaces required for each use, as would otherwise be individually required.
12. The number of off-street parking spaces required for each use, building or addition 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.
 - a. For any dwelling use except an accessory dwelling unit: Two off-street parking spaces per dwelling unit are required to be provided on the lot;
 - b. 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;
 - c. Tourist homes or cabins: One parking space for each sleeping room or suite, including that of the owner or manager if a resident on the premises;
 - d. Hospitals, sanitariums, convalescent homes and homes for the aged or similar use: One parking space for each three patients, plus one space for each two employees and staff members;
 - e. Orphanages or similar use: One parking space for each ten beds;
 - f. Hotels: One parking space for each guest sleeping room;
 - g. Motels: One parking space for each sleeping room;

- h. Fraternities, sororities, boarding and lodging houses: One parking space for each two sleeping rooms;
 - i. Community centers, libraries, museums, post offices, civic clubs, etc.: One parking space for each 250 square feet of floor area;
 - j. Theaters and auditoriums (other than incidental to schools): One parking space for each five seats plus one additional space for each two employees;
 - k. Churches and schools: for churches, one parking space for each five 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;
 - l. Dance halls, pool and billiard halls, exhibition halls without fixed seats, roller rinks and ice-skating rinks: One parking space for each 250 square feet of floor area;
 - m. Stadiums and sports arenas: One parking space for each five seats;
 - n. Bowling alleys: Three parking spaces for each alley;
 - o. Mortuaries or funeral homes: One parking space for each 250 square feet of floor area in the slumber rooms, parlors or individual funeral service rooms;
 - p. Establishments for sale and consumption on the premises of alcoholic beverages, food or refreshments: One parking space for each 250 square feet of floor area plus one parking space for each employee, up to five employees;
 - q. Medical or dental clinics, banks, business or professional offices: One parking space for each 250 square feet of floor area;
 - r. Beauty shops and barber shops: One parking space per barber and/or beauty shop chair;
 - s. All retail stores (except as otherwise specified in this Section 1153.02): One parking space for each 300 square feet of floor area;
 - t. Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops: One parking space for each employee of the work shift with the maximum number of employees;
 - u. Warehouses and storage buildings: Sufficient parking spaces to accommodate employees and the loading and unloading of materials.
- (Ord. 05-10. Passed 4-7-10.)

1146.09 Signs

All signage erected on structures or areas facing a public road, public street or public highway shall be subject to the following requirements:

1. Permits must be obtained from the City of Niles for any new signs or any replacement signs within this District.
2. All signs erected or replaced within this District will be subject to approval by the property owner.
3. Freestanding, Pylons, and Monument Signs:
 - a. Maximum height shall be 80 feet;
 - b. Maximum sign area shall be 1,000 square feet per side; and
 - c. One sign per 400 lineal feet of street frontage, plus one sign per freestanding structure.
4. Wall Signs:
 - a. Allowable sign area shall be 5 percent of the gross leasable area.
4. Electronic Message Center Signs:
 - a. Electronic message center signs are permitted on any type of sign structure located within this District.
6. Directional Signs:
 - a. Directional signs may be placed throughout this District to manage internal traffic. Signs shall not exceed 15 feet in height.

1146.10 Storm Water Management Requirements

1. Permits and final approvals must be obtained from the City Engineer.
2. Storm Water Quantity Control- For new development and/or redevelopment projects, both of which disturb one or more acres of land, in the Mall District, the peak rate control method shall be the design criteria for storm water quantity control. This method requires that the post-developed peak outflow shall not exceed the pre-developed peak outflow for the same design storm. This shall be applicable to all design storm events. The design storms shall have a 24 hour duration and shall be calculated for the 1, 2, 5, 10, 25, 50 and 100 year storm events.
3. Storm Water Quality Control- The current Ohio Environmental Protection Agency (OEPA) regulations shall be applicable for all new and/or redevelopment

projects. Furthermore, requirements for redevelopment projects as set forth in subsection “Storm Water Management on Redevelopment Projects,” found in Chapter 922.09 entitled “Performance Standards” of the Codified Ordinances of Niles, Ohio, shall also be applicable to such projects.

4. Roadway
 - a. Open ditch roadways are acceptable.
 - b. Quantity control facilities accepting storm water runoff from the roadway may be expanded to accept runoff from future development areas at the property owner’s expense provided the future expansion area is located on the property owner’s lot.
 - c. The property owner is responsible for maintaining open stormwater control facilities per section 521.17 of the Niles codified ordinance.
4. Review of Plans- In lieu of the City of Niles standard review of storm water management plans and design calculations, the property owner, at its discretion, may hire a third-party review engineer to conduct and/or expedite the review of the property owner’s storm water management plans and design calculations.

Chapter 1149 Industrial And Heavy Manufacturing Districts

1149.01 Industrial District Prohibited Uses

1149.02 Height, Rear Yards, 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.
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, 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, Side Yards and Setback Line; Off-Street Parking and Loading. The provisions of Chapter 1141, for B-3 General Commercial Districts shall 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.)

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 General Parking Requirements

In all zoning districts, required off-street parking shall be provided and maintained as herein prescribed.

1. When the calculation of required parking spaces results in a fractional part, the fractional part shall be disregarded.
2. Whenever a use requiring off-street parking is increased in floor space, additional parking spaces shall be provided, if the existing parking spaces are inadequate to serve the increased floor area.
3. For the purpose of calculating required parking spaces for non-residential uses, "floor area" means the gross floor area of the structure.
4. A business which employs 100 or more employees may supply off-street parking at a distance greater than 300 feet from the employee building entrance upon approval of the Commission.
5. 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. Shared off-street parking lots may be provided; however, the number of parking spaces provided in the shared parking lot shall be no less than the sum of the parking spaces required for each use.
7. The number of off-street parking spaces required for each use shall be determined according to the following requirements, and the spaces 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 Calculation of Minimum Required Off-Street Parking Spaces

1. 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.
2. 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;
3. 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;
4. Orphanages or similar use: One (1) parking space for each ten beds;
5. Hotels: One (1) parking space for each guest sleeping room;
6. Motels: One (1) parking space for each sleeping room;
7. Fraternities, sororities, boarding and lodging houses: One (1) parking space for each two sleeping rooms;
8. Community centers, libraries, museums, post offices, civic clubs, etc.: One (1) parking space for each 50 square feet of floor area;
9. 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;
10. 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;
11. 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.
12. Stadiums and sports arenas: One (1) parking space for each four seats;
13. Bowling alleys: Five (5) parking spaces for each alley;
14. 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;

15. 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;
16. Medical or dental clinics, banks, business or professional offices: One (1) parking space for each two hundred (200) square feet of floor area;
17. Beauty shops and barber shops: Two (2) parking spaces per barber and/or beauty shop operator;
18. 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;
19. 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;
20. Warehouses and storage buildings: Sufficient parking spaces to accommodate employees and the loading and unloading of materials. (Ord. 05-10. Passed 4-7-10.)

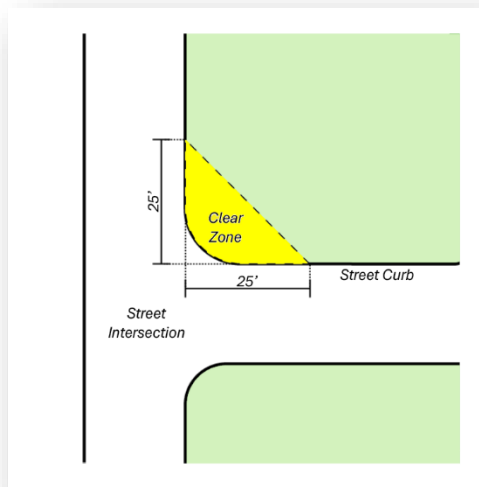
1153.03 Driveways

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.)

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. A twenty-five foot clear zone shall be provided 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~~



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 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.)

Chapter 1157 Special Provisions

1157.01 Signs And Outdoor Advertising

1157.02 Zoning Annexed Areas

1157.03 Restoration Of Unsafe Walls

1157.04 Fences

1157.05 Condominium Development

1157.06 Buffer Zones

1157.07 Steel Or Metal Siding And Roofing In Residentially Zoned Areas

1157.08 Mobile Offices, Temporary Storage Buildings And Trailers

1157.09 Kennels

1157.10 Prohibited Uses

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 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.)

1157.03 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.)

1157.04 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 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 Condominium_Development

A permit for a Condominium_Development in the Neighborhood 2 District, Neighborhood 3 District, Corridor 1 District, and B-3 General Commercial 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 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.
3. Area Requirements. The minimum site area for a condominium 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.

6. Accessory buildings. 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.
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 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 Condominium Development, the minimum spacing between units shall be 60 feet.
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).
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 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.
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 shall be 7,500 square feet minimum and 10,500 square feet maximum.
 1. There shall be a maximum of twelve (12) dwellings per acre. Any roadway(s) within the development shall be calculated as having a minimum width of fifty feet (50') and shall be excluded in determining the "lot area."

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).
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.
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.
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.
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.
16. Recording Requirements. The Developer whose condominium development plans have been approved by Council shall prepare construction plan(s) (not to exceed 24" x 36") of the approved site plan with the following information:

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.
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.

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 or Mall 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 or Mall 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. 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.

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.



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

1157.08 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.

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

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.)

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 do 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 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:
 - 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

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]

Chapter 1158 Construction And Demolition Debris Storage Sites

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 Planning Commission hereby assumes jurisdiction over all condominium development and subdivisions 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 and has met the other requirements of this Planning and Zoning Code.

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 should consult with the Planning Commission and the City Engineer to determine 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 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 subdivision 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 multiples 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 building setback line shall be established on all lots according to the zoning ordinance.
3. The improvements 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.
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] . 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]1919.
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], Board of County Commissioners Trumbull County,
Ohio

5. RECORD

Recorded , Book , Page , of the County Recorder's Office of Trumbull County, Ohio.
County Recorder

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

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: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 86-26

ORDINANCE NO. _____

AN ORDINANCE PLACING A TEMPORARY MORATORIUM, NOT TO EXCEED ONE HUNDRED AND EIGHTY (180) DAYS, ON THE GRANTING/ISSUING OF ANY NEW PERMITS, AS WELL AS THE RECEIPT AND PROCESSING OF APPLICATIONS FOR PERMITS, FOR DATA CENTERS WITHIN THE CORPORATE LIMITS OF THE CITY OF NILES; AND, DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, peace, and comfort of the citizens of the municipality, including restricting areas used for business and trade; and

WHEREAS, data centers are industrial-scale facilities that consume significant energy, water, and infrastructure capacity, creating water supply issues, significant utility demands that the City may be unable to support, potential adverse impacts to the environment and City residents, and potentially conflicting with the City’s long-term planning goals.

WHEREAS, this Council desires to issue a moratorium for a temporary period of time, not to exceed one-hundred-and-eighty (180) days from the passage of this Ordinance, while it undertakes a review and/or study of the Ordinances of the City of Niles, including the planning and zoning regulation sections of the City of Niles’ Codified Ordinances and determine whether the City has the necessary processes, resources, and infrastructure to address the growth and demands of data centers; and

WHEREAS, a moratorium will allow Council to preserve the City of Niles’ residential character, protect environmental resources, and ensure sustainable land use practices; and

WHEREAS, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace, and comfort of the citizens of the City of Niles more effectively if a moratorium is in place.

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

Section 1: “Data Center” means a facility, used for the storage, management, and dissemination of digital data, which houses computer, telecommunication, and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations, and/or facility designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including but not limited to power and cooling equipment to provide data and transaction processing services, outsource information technology services, and computer equipment colocation services, as well as server farms, cloud computing hubs, and colocation centers.

Section 2: That Council of the City of Niles recommends a temporary moratorium not to exceed one-hundred-and-eighty (180) days, on the granting/issuing of any new permits, as well as the receipt and processing of applications for permits, under Local Codified Ordinances, including Chapters 1115, 1125, and/or 1135, among others, for proposed Data Centers within the City of Niles.

Section 3: That this moratorium suspends and tolls any time periods, prescribed by law, within which the Planning and Zoning Department or any other official or official body of the City of Niles, is required to take action, upon an application for a permit and/or in the site plan review approval process for Data Centers, and similarly suspends any obligations or requirements to act for any such official or official body upon an application for a permit

and/or in the site plan review approval process for Data Centers, during the time when this moratorium shall be in effect.

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 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 moratorium shall not be construed to apply to the following exceptions:

- a. Municipal or emergency service data infrastructure operated by the City of Niles or its authorized agents.
- b. Small-scale server rooms incidental to permitted business operations, provided they do not exceed 500 square feet and are not the primary use of the property.
- c. The manufacturing of components and/or hardware for data centers, including data center show rooms incidental to such businesses.
- d. Any other business when prohibited by law.

Section 6: That the Council of the City of Niles hereby desires a moratorium in order to allow Council, and any of its committees, Planning Commission, and/or the City of Niles Planning and Zoning Department to review applicable Ohio statutes and undertake a review and/or study of the Ordinances of the City of Niles, including the planning and zoning regulation sections of the City of Niles Ordinances, and perform further due diligence on Data Centers to determine how Data Centers will impact the City’s infrastructure, utilities, environment, residents, and long-term planning goals as well as to protect public health, safety, and general welfare.

Section 7: That the City of Niles Council hereby imposes a moratorium on new permits for Data Centers for a period not to exceed one-hundred-and-eighty (180) days from the effective date of this Ordinance and directs that no permits shall be issued for these facilities during the 180-day period during the moratorium.

Section 8: If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 9: That this Ordinance is hereby declared to be an emergency measure necessary for the public health, safety, and welfare, and for the further reason that this Ordinance must be implemented in a timely manner to minimize the adverse impacts of Data Centers and protect the City’s infrastructure, utilities, environment, residents, and long-term planning goals while the City conducts due diligence to address the aforementioned concerns.

Section 10: That the passage of this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

PRESIDENT OF COUNCIL

PASSED: _____

CLERK OF COUNCIL

ATTEST: _____

MAYOR

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.

City of Niles, Ohio

SPONSORED BY: SAFETY
AUTHORIZED BY: JULIAN

DRAFT NO. 87-26

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF NILES TO PROCEED WITH THE DEMOLITION OF AN UNSAFE STRUCTURE LOCATED AT 5150 YOUNGSTOWN WARREN ROAD, 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 structure located at 5150 Youngstown Warren Road in the City of Niles, in Trumbull County, Ohio, Permanent Parcel Number 20-000440, is owned by DANDEB LLC, (their unknown heirs and devisees), and it has 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.

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 structure existing at 5150 Youngstown Warren Road, in the City of Niles, Trumbull County, Ohio are in an unsafe condition, 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: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 88-26

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF NILES TO APPLY FOR THE OHIO DEPARTMENT OF DEVELOPMENT’S RESIDENTIAL ECONOMIC DEVELOPMENT DISTRICT PROGRAM GRANT FUNDING (ROUND 2), AWARDED TO SUPPORT THE CREATION OF WORKFORCE HOUSING NEAR MAJOR ECONOMIC DEVELOPMENT PROJECTS ACROSS THE STATE.

THIS RESOLUTION ALSO AUTHORIZES THE CITY OF NILES TO ACCEPT THE GRANT IF AWARDED, PUBLISH AN RFP AND SELECT CONTRACTOR(S) FOR WORK OUTLINED IN THE GRANT TAKING PLACE AT EACH DEVELOPMENT.

THIS RESOLUTION ALSO AUTHORIZES (IF AWARDED THE GRANT) A 100% REDUCTION ON ALL PERMIT, PLAN REVIEW, AND INSPECTION FEES FOR PROJECTS SUBMITTED IN THE GRANT APPLICATION; AND DECLARING AN EMERGENCY.

WHEREAS, funds were appropriated through the Ohio House Bill 96 (Ohio Revised Code Section 122.636 Workforce housing project grants) of the 136th General Assembly. A total of \$15,000,000 was appropriated for the Residential Economic Development District Fiscal Year 2027 administered by the Ohio Department of Development, to be used to offer grant to individual county, township, or municipality that is fully or partially located within a residential economic development district, as defined by Ohio Revised Code 122.636, seeking to award funds to “Major Workforce Housing projects (100 units +)” within a county, township or municipality whom has Pro-housing development policies. And of which said county, township or municipality is located within a 20-mile radius of a “Major Economic Development project (creates at least 700 new permanent jobs and/or at \$700,000,000 in private investments are committed; and

WHEREAS, said Request Grant Fund Amount will be Two Million Five Hundred Thousand Dollars (\$2,500,000) to cover the cost of establishing Surveying & Engineering, Site Work, and Installation of Water and Sewer Utilities in projects noted within the grant; and

WHEREAS, this grant is a reimbursable grant, meaning the City must first pay for contractor services and submit for the state to reimburse monthly. Payment to the City of Niles of the Grant Funds (\$2,500,000) shall be made upon the timely submission to the Ohio Department of Development of a reimbursement request along with meeting Quarterly Report deadlines and work outlined in the application being completed. All expenditures shall be supported by contracts, invoices, vouchers, and other data as appropriate, including quarterly Status Reports and a Final Performance Report; and

WHEREAS, all grant activities must be completed by June 30, 2027; and

WHEREAS, the City of Niles agrees to be responsible and comply with all Ohio Department of Development Residential Economic Development District program requirements. Co-applicant developers will also submit with the application letters of commitment that they will also follow program requirements.

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

SECTION 1: That Authorization is given to the Mayor to apply for the Ohio Department of Development Residential Economic Development District Program award, and if awarded publish an RFP to obtain contractor(s) for each development’s work and enter into contract with said contractor(s).

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Niles and the inhabitants thereof, for the reason that it is to apply for this funding within the next 30 days, and provided that it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period 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 this _____ day of _____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 89-26

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF NILES TO APPLY FOR THE UNITED STATES DEPARTMENT OF TRANSPORTATION, SAFE STREETS FOR ALL PROGRAM (SUPPLEMENTAL PLANNING ACTIVITIES) GRANT FUNDING, AWARDED IN ORDER FOR LOCAL COMMUNITIES TO CONDUCT IN DEPTH SAFETY STUDIES TO PREVENT ROADWAY FATALITIES AND SERIOUS INJURIES ACROSS THE NATION.

THIS RESOLUTION ALSO AUTHORIZES THE CITY OF NILES TO ACCEPT THE GRANT IF AWARDED, PUBLISH AN RFP AND SELECT CONSULTANT TO COMPLETE THE WORK OUTLINED IN THE GRANT; AND, DECLARING AN EMERGENCY.

WHEREAS, funds were appropriated through the Infrastructure Investment and Jobs Act (IIJA) of the 117TH Congress (2021 – 2022). A total of \$5,000,000,000 was appropriated for over 5 years (2022 – 2026). This year of 2026 will be the last year of funding for this program as it currently stands. \$1,000,000,000 are available for the 2026 funding year; and

WHEREAS, said Safety Study is estimated to cost \$250,000. The Request Grant Fund Amount will be Two Hundred Thousand (\$200,000) to cover an in-depth safety study of US – 422 within the city of Niles. The grant does require a 20% (\$50,000) local match be provided by the City; and

WHEREAS, this grant is a reimbursable grant, meaning the City must first pay for contractor services and submit for the state to reimburse monthly. Of which 20% (\$50,000) will not be reimbursed but will be solely local dollars. Payment to the City of Niles of the Grant Funds (\$250,000) shall be made upon the timely submission to the Ohio Department of Development of a reimbursement request along with meeting Quarterly Report deadlines and work outlined in the application being completed. All expenditure shall be supported by contracts, invoices, vouchers, and other data as appropriate, including quarterly Status Reports and a Final Performance Report; and

WHEREAS, all grant activities must be completed between 12 months and 5 years of when the grant agreement is executed; and

WHEREAS, the City of Niles agrees to be responsible and comply with all program requirements.

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

SECTION 1: That Authorization is given to the Mayor to apply for the United States Department of Transportation Safe Street For All (Supplemental Planning Activities), and if awarded publish an RFP to obtain a consultant, and enter into contract with said consultant.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Niles and the inhabitants thereof, for the reason that it is to apply for this funding within the next 30 days, and provided that it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period 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 this _____ day of _____, 2026.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: JOHNSTONE

DRAFT NO. 90-26

ORDINANCE NO. _____

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR AMERICAN MUNICIPAL POWER (AMP) FOR LEGAL FEES RELATED TO LOAN AGREEMENT DOCUMENTS; AND, DECLARING AN EMERGENCY.

WHEREAS, the invoice relating to the then and now payment request for AMP legal fees is due and payable (see attached); and

WHEREAS, Council desires to make payment to AMP in the amount of \$9,500.00.

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 American Municipal Power in the amount of Nine Thousand Five Hundred Dollars and 00/100 (\$9,500.00).

SECTION 2: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare as the invoice for AMP is due and payable. 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

**AMERICAN MUNICIPAL POWER, INC.**

1111 Schrock Rd, Suite 100

COLUMBUS, OHIO 43229

PHONE: (614) 540-1111

FAX: (614) 540-1078

INVOICE NUMBER:

23536

INVOICE DATE:

06-MAY-26

DUE DATE:

20-MAY-26

TOTAL AMOUNT DUE:

\$9,500.00

CUSTOMER NUMBER

6024

CUSTOMER P.O. #:

City of Niles

34 West State Street

Niles, OH 44446-5052

MAKE CHECK PAYABLE TO AMP.

DIRECT INVOICE QUESTIONS TO
ENERGYSETTLEMENTS@AMPPARTNERS.ORG

<u>Item</u>	<u>Description</u>	<u>Charge</u>
1	Dinsmore Legal	\$9,500.00

TOTAL CHARGES**\$9,500.00****Wire or ACH Transfer Information:**Huntington National Bank
Columbus, Ohio
Account No. 0189-2204055
ABA: #044000024**PLEASE MAIL CHECKS TO:**AMP Inc.
Department L614
Columbus, OH 43260

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: JOHNSTONE

DRAFT NO. 91-26

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 One Million Two Hundred Sixty-Five Thousand Six Hundred Dollars and 00/100 (\$1,265,600.00) from the General Fund Account No: 101-1090-59000 to the following Funds:

Cash Transfers - May		
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%	\$750,000.00
Fund 221	Park	\$250,000.00
Fund 255	Cemetery	\$50,000.00
Fund 401	Capital Projects	\$115,600.00
	TOTAL CASH TRANSFER	\$1,265,600.00

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 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