

CHAPTER 1161
Conditional Use Regulations

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1161.01 PURPOSE.

Conditional uses are a classification of uses that are determined to generally be compatible in the district in which they are listed as a conditional use. However, this category of uses is so classified because of the need to adequately monitor the proposed use in order to ensure that the use and its operational aspects are indeed appropriate in the specific location in which the use is proposed. Such monitoring is necessary because the external impacts of a particular use are either sufficiently varied or indeterminable in advance, making it possible that, without the Planning Commission’s review, a particular use could be inappropriate in certain locations within the district.

These regulations are intended to ensure that conditional uses are reviewed in a reasonable and equitable manner, while safeguarding the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Code should provide for more detailed evaluation of each use listed as a conditional use in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, requirements for public facilities and traffic generation. In considering a proposed conditional use, the Planning Commission may assign reasonable requirements to ensure that the proposed development is appropriate in the location in which it is proposed. Accordingly, conditional use applications shall conform to the procedures and requirements of Chapter 1185.

1161.02 GENERAL CRITERIA FOR ALL CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following general criteria, which are in addition to specific conditions, standards and regulations set forth in Sections 1161.03 through 1161.07. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that:

- (a) The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the prevailing existing or intended character of the general vicinity.
- (b) The establishment, maintenance or operation of the conditional use will not endanger the public health, safety or general welfare.
- (c) The conditional use will not be more hazardous or more disturbing to the existing and future use and enjoyment of properties in the immediate vicinity than uses that are permitted by right, nor substantially diminish or impair property values within the neighborhood.

- (d) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (e) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

1161.03 SPECIFIC CONDITIONS FOR CONDITIONAL USES.

In addition to the general criteria established in Section 1161.02, the following specific conditions shall apply.

- (a) Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Planning Commission from prescribing reasonable supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 1161.02.
- (b) Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Planning and Zoning Code, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.
- (c) Overall Development Standards.
 - (1) No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.
 - (2) Floodlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.
 - (3) Landscaping and buffering shall be provided in compliance with Chapter 1167.
 - (4) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district in which the conditional use is proposed.

- (5) The conditional use will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1165.
- (6) In a residential district, on lots of one (1) acre or more, all points of entrance or exit should be no closer than 75 feet from an intersection.

1161.04 MINIMUM LOT AND YARD REGULATIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.

Schedule 1161.04 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in residential districts. Supplemental requirements pertaining to such uses are set forth in 1161.07, and the specific subsections are referenced in Schedule 1161.04, below.

Schedule 1161.04
MINIMUM LOT AND YARD REGULATIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS

Conditional use	Conditional Use in District	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
(a) Agriculture	R-1	1 acre	(1)	(1)	(1)	(2)	(3)	1161.07(a)
(b) Bed and breakfast establishment	R-2	(1)	(1)	(1)	(1)	(2)	(3)	1161.07(f)
(c) Cemetery	R-1	10 acres	400 ft	(1)	40 ft	NP	20 ft	1161.07(h)
(d) Church or other place of worship	R-1, R-2, R-3	1 acre	150 ft	(1)	40 ft	NP	15 ft	1161.07(i)
(e) Congregate care facility	R-3	5 acres	400 ft	50 ft	(1)	NP	20 ft	1161.07(l)
(f) Day care facility, child and/or adult	R-1, R-2, R-3	1 acre	150 ft	(1)	40 ft	NP	15 ft	1161.07(n)
(g) Family home for handicapped persons	R-1, R-2, R-3	(1)	(1)	(1)	(1)	(2)	(3)	1161.07(p)
(h) Golf courses, except miniature golf	R-1, R-2, R-3	25 acres	400 ft	50 ft	40 ft	NP	20 ft	1161.07(k)
(i) Group home for handicapped persons	R-2, R-3	15,000 sq ft	100 ft.	(1)	(1)	NP	15 ft	1161.07(r)
(j) Hospital	R-3	5 acres	400 ft	50 ft	(1)	NP	20 ft	1161.07(s)
(k) Library or museum	R-2, R-3	1 acre	150 ft	(1)	40 ft	NP	15 ft	1161.07(i)
Notes to Schedule 1161.04:								
(1) Shall comply with the regulations for the district in which the conditional use is located.								
(2) Parking spaces for more than 2 vehicles shall be located in the rear yard.								
(3) Shall comply with the side yard setback requirements for principal buildings.								
(4) Except that a park or playground with no other active recreation area shall have no minimum lot area or width requirements.								
NP = Not Permitted.								
(l) Public recreational areas, including a park and/or playground, swimming pool	R-1, R-2, R-3	1 acre	150 ft	(1)	40 ft	NP	15 ft	1161.07(k)

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Conditional use	Conditional Use in District	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
(m) Public safety facility	R-1, R-2, R-3	1 acre	150 ft	(1)	40 ft	NP	15 ft	1161.07(aa)
(n) Public utility structure	R-1, R-2, R-3	None	None	(1)	40 ft	NP	15 ft	1161.07(dd)
(o) School facility, public or private	R-1, R-2, R-3	1 acre	150 ft	(1)	40 ft	NP	15 ft	1161.07(i)
(p) Wireless telecommunication facility	See Chapter 1169							
<p>Notes to Schedule 1161.04:</p> <p>(1) Shall comply with the regulations for the district in which the conditional use is located.</p> <p>(2) Parking spaces for more than 2 vehicles shall be located in the rear yard.</p> <p>(3) Shall comply with the side yard setback requirements for principal buildings.</p> <p>(4) Except that a park or playground with no other active recreation area shall have no minimum lot area or width requirements.</p> <p>NP = Not Permitted.</p>								

**1161.05 MINIMUM LOT AND YARD REGULATIONS FOR
CONDITIONAL USES IN COMMERCIAL DISTRICTS.**

Schedule 1161.05 sets forth regulations governing minimum lot area and minimum lot width requirements for conditional uses in a commercial district. Supplemental requirements pertaining to such uses are set forth in Section 1161.07, and the specific subsections are referenced in Schedule 1161.05, below.

Schedule 1161.05
**MINIMUM LOT AND YARD REGULATIONS FOR CONDITIONAL USES
IN COMMERCIAL DISTRICTS**

Conditional Use	Conditional Use in District	Minimum Lot Regulations		Also See Section:
		Area	Width	
(a) Animal hospital	C-1	(1)	(1)	1161.07(c)
(b) Assembly hall, membership club	C-1, C-3	(1)	(1)	1161.07(d)
(c) Auto sales and rental	C-2	1 acre	150 ft	1161.07(e)
(d) Automated teller machine, freestanding	C-1, C-2	(1)	(1)	1161.07(o)
(e) Bed and breakfast establishment	C-3	(1)	(1)	--
(f) Church or other place of worship	C-1, C-3	(1)	(1)	1161.07(i)
(g) Commercial recreation, indoor	C-3	(1)	(1)	1161.07(j)
(h) Commercial recreation, outdoor	C-2	2 acres	200 ft	1161.07(k)
(i) Commercial business or trade school	C-3	(1)	(1)	--
(j) Congregate care facility	C-1, C-2, C-3	2 acres	200 ft	1161.07(l)
(k) Dance floor/entertainment in association with a permitted use	C-2, C-3	(1)	(1)	1161.07(j)
(l) Day care facility, child and/or adult	C-1, C-3	(1)	(1)	1161.07(n)
(m) Drive-thru facility in association with a permitted use	C-1, C-3	1 acre	150 ft	1161.07(o)
(n) Farm implement and/or recreation vehicle sales	C-2	2 acres	200 ft	1161.07(m)
(o) Funeral home	C-1, C-3	(1)	(1)	--
(p) Gasoline station	C-1, C-3	1 acre	150 ft	1161.07(q)
(q) Hospital	C-2	2 acres	200 ft	1161.07(s)
(r) Hotel, motel	C-3	(1)	(1)	--
(s) Library or museum	C-1, C-3	(1)	(1)	1161.07(i)
(t) Movie theater, indoor	C-3	(1)	(1)	1161.07(j)
Notes to Schedule 1161.05:				
(1) Shall comply with the regulations for the district in which the conditional use is located.				
(u) Outdoor display/outdoor dining	C-2, C-3	(1)	(1)	1161.07(x)
(v) Outdoor storage of goods and merchandise	C-2	1 acre	150 ft	1161.07(y)

Conditional Use	Conditional Use in District	Minimum Lot Regulations		Also See Section:
		Area	Width	
(w) Public safety facility	C-1, C-3	(1)	(1)	1161.07(aa)
(x) Public utility structures	C-1, C-2, C-3	none	none	1161.07(dd)
(y) Public transportation terminal	C-2	2 acres	200 ft	1161.07(cc)
(z) Recreational vehicle park	C-2	5 acres	200 ft	1161.07(gg)
(aa) School facility, public or private	C-1, C-3	(1)	(1)	1161.07(i)
(bb) Studio for instruction	C-3	(1)	(1)	1161.07(ee)
(cc) Vehicle repair garage	C-2	1 acre	150 ft	1161.07(ff)
(dd) Wireless telecommunication facility	See Chapter 1169			
<u>Notes to Schedule 1161.05:</u>				
(1) Shall comply with the regulations for the district in which the conditional use is located.				

**1161.06 MINIMUM LOT AND YARD REGULATIONS FOR
CONDITIONAL USES IN INDUSTRIAL DISTRICTS.**

Schedule 1161.06 sets forth regulations governing minimum lot area and minimum lot width requirements for conditional uses in an industrial district. Supplemental requirements pertaining to such uses are set forth in Section 1161.07, and the specific subsections are referenced in Schedule 1161.06, below.

Schedule 1161.06
**MINIMUM LOT AND YARD REGULATIONS FOR CONDITIONAL USES
IN INDUSTRIAL DISTRICTS**

Conditional Use	Conditional Use in District	Minimum Lot Regulations		Also See Section:
		Area	Width	
(a) Airport	I-2	5 acres	250 ft	1161.07 (b)
(b) Auto sales and rental	M-U	1 acre	150 ft	1161.07 (e)
(c) Automated teller machine, freestanding	M-U	(1)	(1)	1161.07(o)
(d) Bulk fuel storage	I-2	(1)	(1)	1161.07 (g)
(e) Commercial recreation, outdoor	M-U	(1)	(1)	1161.07(k)
<u>Notes to Schedule 1161.06:</u>				
(1) Shall comply with the regulations for the district in which the conditional use is located.				
(f) Concrete mixing	I-2	5 acres	250 ft	1161.07 (v)
(g) Construction trade contractor's facility	M-U	1 acre	150 ft	1161.07 (m)
(h) Dance floor/entertainment in association with a permitted use	M-U	(1)	(1)	1161.07 (j)
(i) Hospital	M-U	2 acres	200 ft	1161.07 (s)
(j) Junkyard	I-2	20 acres	250 ft	1161.07 (t)

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Conditional Use	Conditional Use in District	Minimum Lot Regulations		Also See Section:
		Area	Width	
(k) Manufacturing and processing explosive materials	I-2	5 acres	250 ft	1161.07 (u)
(l) Manufacturing using raw materials	I-2	5 acres	250 ft	1161.07 (u)
(m) Mineral excavation, quarry operations	I-2	20 acres	250 ft	1161.07 (v)
(n) Mini/ self storage	I-2	2 acres	200 ft	1161.07 (w)
(o) Mobile home and/or manufactured home sales	M-U	2 acres	200 ft	1161.07 (m)
(p) Outdoor dining	M-U	(1)	(1)	1161.07(x)
(q) Outdoor operations including outdoor storage and supply yard	M-U	1 acre	150 ft	1161.07 (y)
(r) Overnight storage of fleet vehicles used in operation of principal use	M-U, I-1	(1)	(1)	1161.07 (z)
(s) Public service/maintenance facility	M-U	(1)	(1)	1161.07 (bb)
(t) Public transportation terminal	M-U	2 acres	200 ft	1161.07 (cc)
(u) Sales, service, repair and/or storage of farm implement, construction equipment, recreation vehicles, or other large equipment	M-U	2 acres	200 ft	1161.07 (m)
(v) Slaughterhouse	I-2	5 acres	250 ft	1161.07 (u)
(w) Vehicle repair garage	M-U	1 acre	150 ft	1161.07 (ff)
(x) Wireless telecommunication facility	See Chapter 1169			
<u>Notes to Schedule 1161.06:</u>				
⁽¹⁾ Shall comply with the regulations for the district in which the conditional use is located.				

1161.07 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

The following are specific conditions, standards and regulations for certain conditional uses and are in addition to the criteria and standards set forth in Sections 1161.02 through 1161.06.

(a) Agriculture:

- (1) The regulations established for an agricultural use are not intended to restrict or regulate recreational gardening accessory to a residential use.
- (2) Any accessory structures used in association with the agricultural use shall comply with the minimum yard requirements for principal buildings established for the district for the front and rear yards, and shall be a minimum of 20 feet from a side lot line.

(b) Airport:

- (1) Purpose. These airport regulations have been established to achieve, among others, the following purposes:
 - A. To protect the public health, safety and welfare and to reduce the potential for airport hazards by regulating development and land use on Williams County Airport property and in surrounding areas.
 - B. To protect the airport from incompatible development and to assure that the future uses of land surrounding the airport are compatible with normal airport operations, including the landing and takeoff of aircraft.
 - C. To establish use, development and performance standards to ensure the optimal and safe operation of the Williams County Airport and to allow airport-related development which is logical, necessary and beneficial to the operation of the airport facility.
 - D. To protect public investment in the airport.
- (2) Uses/Definitions.
 - A. Airport: Includes, but not limited to, the existing or proposed facilities or uses listed below which are related to the Williams County Airport.
 1. Airport administration and control structures.
 2. Passenger and freight terminals.

3. Aircraft hangars.
 4. Landing pads, runways, ramps and taxiways.
 5. Aircraft sales and rental.
 6. Aircraft repair, reconstruction and research and development.
 7. Aircraft fuel-handling facilities.
 8. Flight training and instruction facilities.
 9. Communications and weather facilities.
- B. Airport-Related Use: Includes, but not limited to, the following uses or facilities which shall be located, arranged and intended to primarily serve the needs of the Williams County Airport, although such uses may secondarily serve nearby businesses:
1. Motels and hotels.
 2. Restaurants and bars.
 3. Offices.
 4. Business services.
 5. Mail/package/freight handling and delivery services.
 6. Automobile rental facilities and associated parking lots.
- (3) Compliance. Prior to receiving a conditional use permit for an airport or airport-related use in an I-2 District, the applicant shall:
- A. Comply with previously existing aviation easements or convey to the City of Bryan an aviation easement permitting the right of flight in the airspace above the subject property.
 - B. Comply with all current applicable Ohio Department of Transportation (ODOT – Office of Aviation) regulations and Federal Aviation Administration (FAA) regulations, as set forth in the Ohio Administrative Code, Section 5501:1-10.

C. Submit a copy of the conditional use permit application, including the development plan, along with verification that the application has complied with subsection (3) B above, to appropriate Williams County Airport representatives. The representatives shall review said documents for compliance with current applicable FAA and ODOT regulations and provide a written recommendation indicating whether the proposed development impedes airport operations in any way to the Planning Commission within ten (10) days of receipt.

(c) Animal hospital:

- (1) There shall be no outside runs or kennels associated with the veterinary office.
- (2) The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention.
- (3) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

(d) Assembly hall, membership club:

- (1) All activities, programs and other events shall be directly related to the conditional use so granted.
- (2) The proposed use shall not generate excessive noise beyond the premises.
- (3) In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.

(e) Auto sales and rental:

- (1) Service garage, leasing department and other activities customarily incidental to a full service franchised automobile dealer shall be permitted as accessory to the sale of autos provided these activities are conducted in a wholly enclosed building.
- (2) Only repair of automobiles customarily associated with automobile sales shall be permitted and shall be conducted inside a suitable building.
- (3) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than 48 hours.

- (f) Bed and breakfast establishment in a residential district.
 - (1) Such use shall occupy an existing structure that was previously or is currently occupied for residential purposes.
 - (2) A maximum of four (4) guestrooms shall be permitted and shall be located within the dwelling.
 - (3) Guests shall be permitted to reside at the home for not longer than two continuous weeks.
 - (4) Meals shall be provided only to guests taking lodging in the facility.
 - (5) The building shall not contain a commercial kitchen and guestrooms shall not contain cooking facilities. A common lounge area may be provided for guests.
 - (6) Deliveries of food and other items shall be made at the rear of the building and shall be conducted during daytime hours.
 - (7) The building owner shall reside on the premises.
- (g) Bulk fuel storage. With the review and approval of the Zoning Administrator and Fire Chief, the storage of above ground gasoline, oil or alcohol shall comply with state and national fire code regulations.
- (h) Cemetery.
 - (1) Interior drives shall be installed, including the required pavement, as development progresses and as indicated in the final plans by the Planning Commission.
 - (2) Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder traffic flow.
 - (3) No gravesite shall be located within 50 feet of a public street right-of-way or residential property line.
 - (4) No mausoleum or crematory shall be located within 100 feet of a public street right-of-way or residential property line.

- (i) Church/place of worship, library, museum, and schools, public or private.
 - (1) Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.
 - (2) In any district, the Planning Commission may require all outdoor children's activity areas to be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.
 - (3) All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.
 - (4) All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
 - (5) Associated uses such as a convent, faculty residence, cafeteria, fieldhouse, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this Chapter.
 - (6) The development plan shall indicate the emergency entrances or exits.

- (j) Commercial recreation, indoor; Dance floor/entertainment in association with a permitted use; Movie theater, indoor:
 - (1) The proposed use shall not generate excessive noise beyond the premises.
 - (2) In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
 - (3) Buildings in which dance floor/entertainment is provided shall be located a minimum of 100 feet from a residential district.
 - (4) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.

- (k) Commercial recreation, outdoor; Public park, playground; Public swimming pool; Golf course, except miniature golf:
- (1) The Planning Commission may require active recreation areas to be enclosed by a fence having a minimum height of five (5) feet.
 - (2) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.
 - (3) Rifle ranges, skeet shooting ranges, pistol ranges, and other activities involving the use of firearms shall not be permitted.
 - (4) Delivery trucks shall not be used as refreshment stands, souvenir stands and/or concession stands.
 - (5) All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
 - (6) An adequate number of public restrooms shall be provided and maintained.
 - (7) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
 - (8) In a residential district, only incidental retail uses such as a snack bar, shall be permitted as an accessory use to a public recreational facility or golf course. Such facility shall be provided for the convenience of customers attending the public recreation facility or golf course and no sign advertising the retail use shall be permitted.
 - (9) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
 - (10) Swimming pools shall comply with the following additional requirements:
 - A. Pools shall be adequately fenced to prohibit unauthorized access to the facility.
 - B. Pools and their enclosures shall comply with the building setback requirements set forth for the conditional use in

Schedules 1161.04, 1161.05 and 1161.06 for the district in which the pool is located.

- C. The enclosure required in subsection A above shall be kept locked at all times the pool is not in use.
 - D. The Planning Commission may limit the maximum lot coverage of related buildings and lounging/deck areas.
- (11) Golf courses, including tees, fairways, greens and golf driving ranges shall be designed and landscaped in such a manner as to reasonably prevent a misfired ball from landing out of the golf course.
- (l) Congregate care facility.
- (1) A congregate care facility may include one or more of the following types of residential facilities:
 - A. Independent living with congregate dining facilities;
 - B. Congregate living;
 - C. Assisted living; or
 - D. Nursing care.
 - (2) Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.
 - (3) The number of beds for assisted living and nursing facilities shall not exceed one (1) bed for every 1500 square feet of lot area devoted to the facility and its related parking.
 - (4) The development plan shall indicate the emergency entrances or exits.
- (m) Construction trade contractor's facility; Farm implement and recreation vehicle sales; Sale, service, repair and/or storage of farm equipment, recreation vehicles, construction equipment, and other similar large equipment; Mobile home and/or manufactured home sales:
- (1) Parking areas, storage areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
 - (2) In a C-2 District, only repair of vehicles and equipment which is customarily associated with the conditionally permitted sales shall be permitted. Such repair activities shall be conducted inside a suitable building.

- (3) No junk, inoperative or unlicensed vehicle shall be permitted to remain outside on the property for more than 48 hours.
 - (4) Outdoor storage areas for vehicles, equipment, etc. shall comply with the district regulations and subsection (w) below.
- (n) Day care facility, child or adult.
- (1) For the protection of children and adults enrolled in the day care center, a fence or wall having a height of at least five (5) feet shall enclose all outdoor activity areas. An entry gate shall be securely fastened.
 - (2) A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children and adults.
 - (3) In an R-1 District, such use shall only be permitted in a church, other place of worship or a school facility.
 - (4) The location and design of the facility shall provide for the protection of the children and adults from the traffic, noise, and other hazards of the area and/or the arterial street location.
 - (5) A day care center for children shall comply with the following:
 - A. An outdoor play area equal in area to the ground floor area of the day care facility is required. The required outdoor activity area shall not be located closer than twenty (20) feet to any residential property.
 - B. Play structures and other similar apparatus shall not be located closer than forty (40) feet to any residential property.
- (o) Drive-thru facility in association with a permitted use; Freestanding automated teller machine.
- (1) Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic.
 - (2) Any proposed loudspeaker system shall be approved as part of the development plan.
 - (3) All access drives shall be located as far as practicable from an existing intersection in order to minimize congestion and constricted turning movements.
- (p) Family home for handicapped persons.
- (1) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home

as their sole, bona fide, permanent residence. The term “permanent residence” means:

- A. The resident intends to live at the dwelling on a continuing basis; and
 - B. The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
- (2) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Planning Commission for each handicapped person who resides in the home after a conditional use permit is granted.
 - (3) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.
 - (4) In order to maintain the residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use certificate for the premises.
 - (5) Signs or other means of identification as a family home for handicapped persons shall not be permitted.
 - (6) The applicant shall comply with the applicable parking regulations of the Planning and Zoning Code for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.
 - (7) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 1,000 feet from where another family home or group home for handicapped persons is located.
 - (8) Evidence shall be presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other

approval requirements shall result in immediate revocation of the home's conditional use certificate.

- (9) Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing City regulations.

- (q) Gasoline station.
 - (1) In the C-3 District, gasoline stations shall be prohibited in the "core area". See the Bryan Zoning Map for boundaries of the core area.
 - (2) When located on a corner lot, such uses shall have not less than 150 feet frontage on each of the two intersecting streets. The location of access drives shall be placed as far as possible from the intersection and shall be limited to no more than one access drive per street frontage. The facility shall also comply with the standards set forth in Section 1155.12.

- (r) Group home for handicapped persons.
 - (1) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Planning Commission for each handicapped person who resides in the home after a conditional use permit is granted.
 - (2) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.
 - (3) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use certificate.
 - (4) The applicant shall comply with the applicable parking regulations of this Planning and Zoning Code for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.
 - (5) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create

undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 1,000 feet from where a family home or group home for handicapped persons is located.

- (6) The architectural design and site layout of a group home and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
- (s) Hospital.
- (1) Such use shall be located on an arterial or collector street.
 - (2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas.
 - (3) The areas devoted to the outdoor storage of such vehicles shall be enclosed with a fence having a minimum height of six (6) feet.
- (t) Junkyard.
- (1) All sites, procedures, and processes shall be subject to the approval of the appropriate state agencies; no conditional use permit shall be issued until all necessary state approvals are obtained.
 - (2) The facilities shall be located on the site in a manner that best minimizes the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
 - (3) The outdoor storage of junk shall be entirely enclosed within a solid wall or fence that includes solid gates and has a minimum height of 10 feet. Items shall not be piled or stored higher than the top of the fence or wall.
 - (4) Suitable measures shall be taken to control dust. There shall be no burning of refuse, garbage or other waste materials.
 - (5) All aspects of a junkyard shall be located no closer than 300 feet to any R-District and 150 feet to all other lot lines.
 - (6) A buffer yard, with a minimum width of 50 feet and located within the 300-foot setback, shall be planted according to the following specifications:
 - A. The 50-foot wide planting strips shall be located within the 300-foot buffer yard so as to achieve the greatest screening or camouflaging effect, and no visual opening shall exist.

- B. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.
- (u) Manufacturing and processing explosive materials; Manufacture of products from raw materials; Slaughterhouse.
- (1) The use and any associated outdoor storage shall not be permitted on any parcel adjacent to or within 300 feet of a residential district or use.
 - (2) All buildings and outdoor storage areas shall be located a minimum of 100 feet from a front, side or rear lot line.
 - (3) The facilities shall be located on the site in a manner that best minimizes the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
 - (4) The outdoor storage areas shall be entirely enclosed within a solid wall or fence that includes solid gates and has a minimum height of 10 feet. Items shall not be piled or stored higher than the top of the fence or wall.
 - (5) Additional fences, walls or shrubs may be required by the Planning Commission, if necessary, to adequately screen the materials from adjoining districts or public streets.
- (v) Mineral excavation, quarry operations; Concrete mixing:
- (1) A distance of no less than 200 feet shall be maintained at all times from the nearest edge of the excavation area or quarry to any residence existing at the start of operations. All other aspects of operations related to mineral excavation, quarry operations, or concrete mixing shall maintain a minimum setback of 150 feet from residential districts.
 - (2) Truck routes shall be established for movement into and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
 - (3) Truck parking areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on, and adjacent to, the site and shall be built or treated to prevent the creation of dust and drainage problems.
 - (4) Processing equipment shall be located at the site in such a way that will minimize adverse noise impact on surrounding dwellings.

- (5) Existing natural or manmade barriers at the site shall be provided as protection and screening against noise, dust and visual protection for all operations.
 - (6) Stakes of one (1) color shall be set and maintained along the perimeter of the area designated for mineral removal at one hundred (100) foot intervals or less.
 - (7) All facilities, structures, and activities shall meet all county and/or state of Ohio health, building, electrical, and other applicable codes. In cases of overlapping codes and/or jurisdictions, the more restrictive shall apply.
 - (8) Any area being excavated shall be enclosed by a fence having a minimum height of 7 feet for the entire periphery of the excavated area. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope. No sand or gravel shall be removed or stored, or overburden stored within 100 feet of any lot line not owned or controlled by the operator of said business.
- (w) Mini/self storage facility.
- (1) The leases for all self-storage units shall include clauses prohibiting the following:
 - A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials.
 - B. The use of property for uses other than dead storage.
 - (2) The Bryan Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.
 - (3) The maximum size of individual storage compartments shall be 500 square feet.
 - (4) Such uses should be located on an arterial street.
- (x) Outdoor display; Outdoor dining area.
- (1) Outdoor display and sale of merchandise shall be limited to products which are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display and sale of merchandise or outdoor dining conducted by any person operating or conducting a business, which is different or distinct from the principal business conducted at that location except for temporary displays pursuant to Section 1175.04.

- (2) Areas devoted to outdoor display and outdoor dining shall be located in a side or rear yard and shall comply with all building setbacks and yard regulations for the district in which they are located as set forth in this Chapter, except as otherwise specifically stated.
 - (3) All outdoor display and outdoor dining areas shall be contiguous to the principal building.
 - (4) No outdoor display area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access.
 - (5) No outdoor display shall be permitted between the front wall of the principal building and the adjacent street except for temporary displays pursuant to Section 1175.04.
 - (6) No signs shall be permitted in conjunction with outdoor display or outdoor dining areas except those otherwise in compliance with the sign regulations in Chapter 1163.
 - (7) Outdoor display areas shall comply with the following additional regulations:
 - A. The area of the lot devoted to outdoor display shall not exceed twenty-five percent (25%) of the ground floor area of the principal building. This limitation shall not apply to automotive sales and rental establishments.
 - B. Areas devoted to outdoor display shall be paved with asphalt or concrete and maintained free of dust.
 - (8) Outdoor dining areas shall comply with the following additional regulations:
 - A. The outdoor seating area shall be used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property.
 - B. The outside seating capacity shall not exceed twenty-five percent (25%) of the restaurant's seating capacity indoors.
 - C. The outdoor seating area shall not interfere with the public right-of-way. Notwithstanding subsection (2) above, outdoor dining areas in the C-3 district may be permitted to be located in front of the front building setback line, but must allow a minimum of four feet unobstructed space.
 - (9) Proof of current liability insurance must be presented annually.
- (y) Outdoor operations, outdoor supply yard and outdoor storage.

- (1) Outdoor storage of materials shall include the storage of goods, materials or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- (2) Location.
 - A. Areas devoted to outdoor storage shall be located in a side or rear yard only and shall comply with the building setbacks set forth in the district regulations for the district in which the lot is located.
 - B. All outdoor storage areas must be contiguous to the principal building.
 - C. No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access.
- (3) Area. The area of the lot devoted to outdoor storage shall not exceed 25 percent (25%) of the ground floor area of the principal building.
- (4) Surfacing. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.
- (5) Signs. No signs shall be permitted in conjunction with outdoor storage areas except those otherwise in compliance with the sign regulations in Chapter 1163.
- (6) Screening.
 - A. All aspects of outdoor operations including outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six (6) feet.
 - B. All outdoor storage areas shall be effectively screened from all adjacent residential districts, public parking areas and public streets according to the screening requirements set forth in Section 1167.05. The Planning Commission may increase the minimum height of required screening when it is determined that additional height is needed to effectively conceal all materials from view of any observer standing at grade level of an abutting residential district line or public street.

- (7) All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- (8) Outdoor storage shall comply with additional regulations set forth in Section 1157.08.
- (z) Overnight storage of fleet vehicles used in operation of principal use.
 - (1) Outdoor storage of fleet vehicles used in the operation of the principal use shall be located in the side or rear yard in off-street parking areas.
 - (2) The area devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence having a minimum height of six (6) feet.
 - (3) The area of the lot devoted to the storage of fleet vehicles shall not exceed 25 percent (25%) of the ground floor area of the principal building.
- (aa) Public safety/maintenance facility.
 - (1) In residential districts, facilities shall be limited to structures that are essential for the distribution of services to the local area.
 - (2) Outdoor storage of fleet vehicles used in the operation of the facility may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas and are screened in accordance with Chapter 1167.
 - (3) The areas devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence having a minimum height of six (6) feet.
- (bb) Public service facility. All outdoor operations and outdoor storage shall comply with the requirements set forth in this chapter and the pertinent regulations for the district in which of the facility is located.
- (cc) Public transportation terminal:
 - (1) Such uses shall be located on an arterial street.
 - (2) All vehicle waiting and stacking areas shall comply with the building setback requirements for the district.
 - (3) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
- (dd) Public utility structures:
 - (1) Public utility structures, including substations, shall be permitted as a conditional use only when the distribution of service is essential

to the immediate neighborhood or when topological features restrict the location of such facility.

- (2) Natural or man-made barriers shall be provided to lessen any intrusion into a residential area.
 - (3) Storage of materials shall be within a completely enclosed building.
 - (4) Substations shall be located a minimum of 50 feet from any residential property line.
 - (5) Wireless telecommunication facilities shall comply with Chapter 1169.
- (ee) Studios for instruction.
- (1) All activities shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.
 - (2) Such establishment offering non-academic instruction should be located so as to minimize the amount of space located in a retail setting that is inactive during normal business hours. Studios are encouraged to have associated retail uses located in the first floor space nearest the street in order to contribute to the retail environment of the district.
- (ff) Vehicle repair garage:
- (1) Vehicle parking areas, vehicle storage areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
 - (2) Outdoor storage areas shall comply with subsection (y) above.
- (gg) Recreational vehicle park.
- (1) Recreational vehicle parks shall have direct access to an arterial or collector street and the access drives shall have adequate width to accommodate the safe movement of recreational vehicles into and out of the park.
 - (2) Conditions of soil, groundwater level, drainage, geological structure and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to hazards of objectionable smoke, odor, or noise or the possibility of subsidence, sudden flooding or severe erosion.

- (3) The density of the park shall not exceed 15 recreational vehicles spaces per acre, based on the total area of the site.
- (4) Recreational vehicles shall be separated from each other and from other park buildings or structures by at least 10 feet.
- (5) Recreational vehicles spaces shall comply with the C-2 building setback requirements.
- (6) At least one centrally located recreation area equal in size to 8% of the total site shall be provided. Streets, parking area and park service facility areas shall not be included in the area requirement.