

ARTICLE 39

EXCEPTIONS, MODIFICATION AND INTERPRETATIONS

SECTION 3901 APPLICATION

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

SECTION 3902 HEIGHT LIMITS

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

- A. To barns, silos, or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- B. To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and may provide that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C. To bulkheads, elevator penthouses, water tanks, monitors, scenery lofts, towers and monuments. Fire towers, hose towers, cooling towers, grain elevators, gas holders, or other structures, where the manufacturing process requires a greater height; provided, however, that, all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line.

SECTION 3903 AREA REQUIREMENTS WITHOUT UTILITIES

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

SECTION 3904 CORNER LOTS

- A. The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.
- B. When the principal building is located with its greatest depth on the long side of a corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot

depth; but in no case shall the shortest distance, measured horizontally between any part of a building, and the rear lot line, be less than twenty (20) feet.

- C. On all corner lots the principal building shall be set back a minimum of twenty-five (25) feet on each street from the established right-of-way line as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.

SECTION 3905 FRONT YARD EXCEPTIONS, AND MODIFICATIONS

- A. In any Zoning District, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Resolution, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards, or the average depth of existing front yards or the two (2) lots immediately adjoining, or, in the case of a corner lot the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet including all projections and not required to be more than fifty (50) feet.
- B. In any Zoning District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree of percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Zoning Resolution, such garage may be located within such front yard, but not in any case closer than ten (10) feet to the street lines.
- C. All lots in any Zoning Districts fronting on major thoroughfares shall have a front yard depth of not less than thirty-five (35) feet measured from the street right-of-way line.

SECTION 3906 DOUBLE FRONTAGE LOTS

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

SECTION 3907 SIDE YARD EXCEPTIONS OR MODIFICATIONS

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

SECTION 3908 PROJECTIONS INTO REQUIRED YARDS

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

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

SECTION 3909 FENCES, WALLS AND HEDGES

A fence, wall, hedge, or shrubbery may be erected placed, maintained or grown along a lot line in an Agricultural or Residential District or adjacent thereto to a height not exceeding eight (8) feet above the ground level, except that no such fence, wall, hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three and one-half (3 1/2) feet and shall be subject to the traffic visibility requirement of Article 3703 for a corner lot. This section does not apply to farm fences.

SECTION 3910 FILLING STATIONS, PUBLIC GARAGES AND PARKING LOTS

- A. No gasoline filling station or public garage shall be permitted where any dispensing pumps, any oil drainage pit or visible appliance for any such purpose other than filling caps, is located within twelve (12) feet of the established right-of-way line as shown on the Official Thoroughfare Plan for Montgomery County or within twenty-five (25) feet of any "R" District, except where such appliance or pit is within a building.
- B. On all corner lots, all vehicular entrances to, or exits from, and curb openings, shall be set back a minimum of twenty-five (25) feet from the corner property lines extended or from the established right-of-way lines as shown on the Official Thoroughfare Plan. All curb

openings whether on a corner lot or not, shall not exceed forty (40) feet in width at the curb line, and thirty (30) feet at the property line. There shall be a minimum of twenty (20) feet measured along the property line, between any series of driveways.

SECTION 3911 Exotic Animals

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