



# **WOODLAWN ZONING CODE UPDATES**

**PART TWELVE: PLANNING AND ZONING CODE**

**TITLE TWO - Planning**

Chap. 1220. Planning Commission.

**TITLE FOUR - Subdivision Regulations**

Chap. 1240. General Provisions and Definitions.

Chap. 1242. Administration, Enforcement and Penalty.

Chap. 1244. Procedure for Subdividing.

Chap. 1246. Specifications for Plans and Plats.

Chap. 1248. Design Standards and Requirements.

Chap. 1250. Improvements.

Appendix A - Plan Approval Procedure

Appendix B - Street Grade and Curve Standards

Appendix C - Engineering Rules and Regulations; Backfill Requirements

Appendix D - Ditches, Channels and Swales

Appendix E - Standard Construction Drawings

Appendix F - Street Tree List

**TITLE SIX - Zoning**

Chap. 1252. General Provisions.

Chap. 1253. Definitions.

Chap. 1254. Administration and Enforcement.

Chap. 1256. Board of Zoning Appeals.

Chap. 1258. Districts Generally and Zoning Map.

Chap. 1262. R-S Single-Family Low-Density Residence District.

Chap. 1264. R-2 Single-Family Low-Density Residence District.

Chap. 1266. R-3 Single-Family Medium-Density Residence District.

Chap. 1268. R-M Multi-Family Residence District.

Chap. 1270. O-S Open Space District.

Chap. 1272. C-C Civic Center District.

Chap. 1274. D-1 Downtown Business District.

Chap. 1276. I-P Industrial Park District.

Chap. 1280. GMC Glendale Milford Road Corridor Overlay District.

Chap. 1282. SP-OL Springfield Pike Corridor Overlay District.

Chap. 1288. Planned Unit Developments.

Chap. 1290. Mixed-Use Developments.

Chap. 1292. Signs and Outdoor Advertising.

Chap. 1294. Off-Street Parking and Loading.

Chap. 1295. Screening and Landscaping.

Chap. 1296. Provisions Relating to All Districts.

Chap. 1297. Cellular or Wireless Communication Systems.

Chap. 1298. Nonconformities.

Chap. 1299. Violation, Remedies and Fees.



**TITLE TWO: PLANNING  
CHAPTER 1220: PLANNING COMMISSION**

Section

- |  |                   |
|--|-------------------|
| 1220.01 Establishment.                                 | 1220.04 Meetings. |
| 1220.02 Composition; terms of office;<br>compensation. | 1220.05 Voting.   |
| 1220.03 Powers and duties.                             | 1220.06 Staff.    |

**CROSS REFERENCES**

- Planning Commission generally - see CHTR. Sec. 5.02  
Powers and duties - see Ohio R.C. 713.02  
Planning Commission shall be Platting Commission - see Ohio R.C. 713.03  
Control as to buildings - see Ohio R.C. 713.04  
Employment of architects and engineers - see Ohio R.C. 713.05  
Enforcement of Subdivision Regulations - see P. & Z. 1242.01  
Approval of final plats - see P. & Z. 1246.04(d)(4)

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**§ 1220.01 ESTABLISHMENT.**

There is hereby established in and for the Village a Planning Commission.  
(Ord. 16-1946, passed 12-19-1946)

**§ 1220.02 COMPOSITION; TERMS OF OFFICE; COMPENSATION.**

The Planning Commission shall consist of five members, consisting of the Mayor; one member of Council, to be selected by Council for the remainder of his or her term as a member of Council; and three citizens of the Village, to be appointed by the Mayor for terms of six years each, except that the term of one of the members of the first Commission shall be for four years and one for two years. Of the three citizen members, one shall be appointed Chairperson

by the Mayor. All members of the Planning Commission shall serve without compensation.  
(Ord. 16-1946, passed 12-19-1946; Am. Ord. 27-1987, passed 9-8-1987)

**§ 1220.03 POWERS AND DUTIES.**

(a) The Planning Commission shall have all powers and perform such duties as are conferred by the laws of the Village and the State.  
(Ord. 16-1946, passed 12-19-1946)

(b) The Planning Commission shall advise Council, the Board of Zoning Appeals and the Building Commissioner/Inspector on any matter involving zoning, land use and planning that requires extensive investigation. The Commission shall make recommendations regarding the feasibility of

proposed new uses, roads, community improvements, special types of developments, health care systems and zoning matters.

(c) In addition to the duties outlined in division (b) hereof, the Commission shall:

(1) Keep the official land use map of the Village up to date;

(2) Periodically confer with the Zoning Inspector to see that the Zoning Code is being complied with;

(3) Periodically review the Zoning Code to keep it up to date with local and national trends. This includes reviewing decisions of the Board of Zoning Appeals;

(4) Render opinions as to the feasibility of projects in the Village involving matters such as new and remodeled structures, mixed-use developments, planned unit developments, clustered developments, zero lot line projects, new subdivisions, infrastructure and group homes. This includes stating conditions of acceptance and general guidelines;

(5) Propose projects in the Village that will improve its residents' health, safety or welfare. This includes housing rehabilitation; road construction, alteration or relocation; new developments, such as those listed in division (c)(4) hereof; business developments, including rehabs; and administrative changes.

The Commission's function does not include running the programs described in this division, only proposing and evaluating them to comply with the aforementioned guidelines.  
(Ord. 27-1987, passed 9-8-1987)

**§ 1220.04 MEETINGS.**

Meetings of the Planning Commission shall require a minimum of three members to achieve a

quorum. They will be held at the call of the Mayor or the Chairperson of the Commission, and at such times as the Commission shall determine.

At least one week of notice shall be given for meetings not regularly scheduled.  
(Ord. 27-1987, passed 9-8-1987)

**§ 1220.05 VOTING.**

A simple majority vote of the members present is required for approval of matters brought before the Planning Commission. All members must vote yea or nay unless there is a conflict of interest involved. A separate motion is required to abstain from voting. This motion must be approved by a majority of the members present.  
(Ord. 27-1987, passed 9-8-1987)

**§ 1220.06 STAFF.**

The Planning Commission may use Village officials and consultants to do any necessary research.  
(Ord. 27-1987, passed 9-8-1987)

**TITLE FOUR: SUBDIVISION REGULATIONS  
CHAPTER 1240: GENERAL PROVISIONS AND DEFINITIONS**

Section

1240.01 Short title.	1240.04 Compliance with Zoning Code.
1240.02 Scope.	1240.05 Separability.
1240.03 Jurisdiction.	1240.06 Definitions.

**CROSS REFERENCES**

- Plat and subdivision defined - see Ohio R.C. 711.001
- Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.01, 711.07
- Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14
- Plat acknowledgment and recording - see Ohio R.C. 711.06
- Municipal corporations may adopt rules and regulations - see Ohio R.C. 711.101
- Subdivision proposals in flood hazard areas - see B. & H. 1466.15(d)

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**§ 1240.01 SHORT TITLE.**

This Title Four of Part Twelve - the Planning and Zoning Code shall be known and may be cited and referred to as the "Woodlawn, Ohio Subdivision Rules and Regulations" or just the "Subdivision Regulations."  
(Ord. 22-1979, passed 9-11-1979)

**§ 1240.02 SCOPE.**

In their interpretation and application, these Subdivision Regulations shall be held to be minimum requirements. Where these Subdivision Regulations impose a greater restriction than is imposed or required by other local provisions or by other rules, regulations or ordinances, these Subdivision Regulations shall control.  
(Ord. 22-1979, passed 9-11-1979)

**§ 1240.03 JURISDICTION.**

These Subdivision Regulations shall apply to all subdivisions hereafter platted within the incorporated territory by the Village. Preliminary plans approved by the Planning Commission prior to the adoption of these Subdivision Regulations (Ordinance 22-1979, passed September 11, 1979) shall be treated as stated in § 1244.04(e).  
(Ord. 22-1979, passed 9-11-1979)

**§ 1240.04 COMPLIANCE WITH ZONING CODE.**

Proposed subdivisions shall meet requirements set forth in the Zoning Code of the Village as well as the provisions of these Subdivision Regulations.  
(Ord. 22-1979, passed 9-11-1979)

### § 1240.05 SEPARABILITY.

If any chapter, section, division, division, sentence or phrase of these Subdivision Regulations is declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Subdivision Regulations as a whole, or any part hereof, other than the part so declared to be unconstitutional or invalid.

(Ord. 22-1979, passed 9-11-1979)

### § 1240.06 DEFINITIONS.

As used in these Subdivision Regulations:

(1) **ALLEY.** A public way having a right-of-way of not less than 20 feet and providing access to the rear of properties.

(2) **BLOCK.** An area of land bounded on all sides by a street or streets.

(3) **BUILDING LINE.** A line indicating the minimum horizontal distance between the street right-of-way line and buildings.

(4) **COMMUNITY FACILITIES PLAN.** The plan for community facilities which is part of the Comprehensive Master Plan of the Village.

(5) **COMPREHENSIVE MASTER PLAN.** The Comprehensive Plan made and adopted by the Planning Commission and Council indicating the general locations recommended for thoroughfares, streets, parks, public buildings, zoning districts and public improvements.

(6) **COUNCIL.** Council of the Village.

(7) **CROSSWALK.** A public right-of-way continuing a sidewalk across a public right-of-way or street to provide pedestrian access.

(8) **CUL-DE-SAC STREET.** A short minor street having only one outlet for vehicular

traffic, the other end being permanently terminated by a vehicular turnaround.

(9) **DEAD-END STREET.** A street only partially constructed in terms of its ultimately planned length and having only one outlet for vehicular traffic.

(10) **DOUBLE FRONTAGE LOT.** A lot with both the front and back lot lines abutting on a public street.

(11) **EASEMENT.** A grant by the owner of land for the specified use of a part of such land to a person, firm, corporation or public utility, or to the public in general.

(12) **ENGINEER.** A qualified registered engineer licensed to practice civil engineering in the State.

(13) **EXISTING LAND USE PLAN.** The Existing Land Use Plan of the Village, which is part of the Comprehensive Master Plan of the Village.

(14) **GENERAL LAND USE PLAN.** The General Land Use Plan of the Village, which is part of the Comprehensive Master Plan of the Village.

(15) **HIGHWAY.** An existing major street designated as a numbered Federal, State or County highway and designed to primarily accommodate traffic movement through the Village.

(16) **IMPROVEMENTS.** Grading, street pavements, curbs, gutters, sidewalks, street lights, street signs, water mains, storm and sanitary sewers and other utility mains, piping and other required facilities.

(17) **LOT.** A parcel of land intended for transfer of ownership or building development, which parcel has frontage on an improved public street or access thereto.

(18) **LOT, CORNER.** A lot abutting upon two or more streets at their intersection.

(19) **LOT SPLIT.** A division of land along an existing public street, not including the opening, widening or extension of any street or road, involving not more than five lots after the original tract has been completely subdivided, as set forth in Ohio R.C. 711.131.

(20) **MINOR STREET.** A street which is not a highway, primary or secondary thoroughfare, parkway or local or collector street and which is intended to serve and provide access exclusively to the properties abutting thereon.

(21) **OPEN SPACE, PUBLIC.** Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites and other similar lands.

(22) **PEDESTRIAN WAY.** A right-of-way, dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

(23) **PLANNING COMMISSION.** The Planning Commission of the Village.

(24) **PRELIMINARY PLAN.** The preliminary or tentative plat, plan, map or drawing upon which the layout and design of a proposed subdivision is submitted to the Planning Commission for consideration and tentative approval.

(25) **PRIMARY THOROUGHFARE.** A thoroughfare designed as a major street to primarily accommodate major traffic movements as indicated on the Thoroughfare Plan.

(26) **RECORD PLAT.** The final record plat, plan or drawing, and any accompanying required data or information, which is submitted to

the Planning Commission for final approval of a proposed subdivision.

(27) **RIGHT OF WAY.** The width, between property lines, of a street, alley, crosswalk or easement.

(28) **SECONDARY THOROUGHFARE.** A thoroughfare which is designed to supplement a primary thoroughfare and which is primarily a feeder traffic way as indicated on the Thoroughfare Plan.

(29) **SET-BACK LINE OR BUILDING LINE.** A line indicating the minimum horizontal distance between the street right-of-way line and buildings.

(30) **STREET.** The full width of land located between the property lines bounding any public way which provides use by the public as a matter of right for the purpose of vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, circle, court or otherwise.

(31) **STREET, LOCAL OR COLLECTOR.** A street, as indicated on the Thoroughfare Plan, intended to collect vehicular traffic from local streets within a neighborhood or industrial district and feed such traffic onto secondary and primary streets.

(32) **SUBDIVIDER.** A person who divides or proposes to divide land so as to constitute a subdivision, and includes any authorized agent of the subdivider or owner.

(33) **SUBDIVISION.**

A. The division of any parcel of land shown as a unit on the last preceding tax roll into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether



immediate or future, of transfer of ownership, provided that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street, except private streets serving industrial structures, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(34) ***SURVEYOR.*** A surveyor registered in the State.

(35) ***THOROUGHFARE.*** A major street.

(36) ***THOROUGHFARE PLAN.*** The official plan of highways, primary and secondary thoroughfares, parkways and other major streets, including collector streets, which is part of the Comprehensive Master Plan of the Village.

(37) ***VILLAGE ENGINEER.*** The Engineer of the Village.

(38) ***ZONING ORDINANCE.*** The official Village Zoning Code.  
(Ord. 22-1979, passed 9-11-1979)

## CHAPTER 1242: ADMINISTRATION, ENFORCEMENT AND PENALTY

### Section

1242.01 Enforcement by Planning Commission.	1242.03 Fees.
1242.02 Variances.	1242.99 Penalty.

### CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001  
Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.01, 711.07  
Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14  
Plat acknowledgment and recording - see Ohio R.C. 711.06  
Municipal corporations may adopt rules and regulations - see Ohio R.C. 711.101  
Planning Commission - see P. & Z. Ch. 1220  
Subdivision proposals in flood hazard areas - see B. & H. 1466.15(d)

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### § 1242.01 ENFORCEMENT BY PLANNING COMMISSION.

These Subdivision Regulations shall be administered by the Planning Commission.  
(Ord. 22-1979, passed 9-11-1979)

### § 1242.02 VARIANCES.

(a) Where the Planning Commission finds that extraordinary hardships may result from unusual topographical or other conditions if strict compliance with these Subdivision Regulations is enforced, the Commission may issue a variance to these Subdivision Regulations, except §§ 1248.02, 1248.06, 1248.07 and Chapter 1250, so that substantial justice may be done and the public interest secured, provided that such variance will not have the effect of nullifying the intent and purpose of the Official Thoroughfare Plan, the Official Land Use Plan and these Subdivision Regulations.

(b) In granting variances and modifications, the Commission shall require such additional conditions as will, in its judgment, secure substantially the objectives of the standards and/or requirements so varied or modified.  
(Ord. 22-1979, passed 9-11-1979)

### § 1242.03 FEES.

(a) *Schedule.* Council shall establish a schedule of fees, charges and expenses and a collection procedure for the processing of preliminary plans and improvement drawings.

(b) *Payment.*

(1) *Preliminary plan.* No action shall be taken on a preliminary plan before the Planning Commission until or unless preliminary charges and fees have been paid in full.

(2) *Final plat.* The Secretary of the Planning Commission shall not endorse his or her approval on a final plat until or unless all fees required in these Subdivision Regulations have been paid in full.

(Ord. 22-1979, passed 9-11-1979)

**§ 1242.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of these Subdivision Regulations shall be fined not more than twenty-five dollars (\$25.00) for each day that the violation or noncompliance continues after the mailing of a notice by the Village to the responsible party, fixing a date certain for compliance with these Subdivision Regulations.

(Ord. 22-1979, passed 9-11-1979)

## CHAPTER 1244: PROCEDURE FOR SUBDIVIDING

### Section

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|---|----------------------------|
| 1244.01 Plats required.   | 1244.04 Preliminary plans. |
| 1244.02 Compliance with design standards and required improvements. | 1244.05 Improvement plans. |
| 1244.03 Procedure for approval.                                     | 1244.06 Record plats.      |

### CROSS REFERENCES

- Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.01, 711.07  
Approval or rejection; rules to govern plats - see Ohio R.C. 711.05, 711.09  
Plat acknowledgment and recording - see Ohio R.C. 711.06, 711.09, 711.103  
Specifications for plans and plats - see P. & Z. Ch. 1246  
Improvements required prior to submission of record plats - see P. & Z. 1250.01  
Plan approval procedure - see Pt. 12, Title 4, Appx. A  
Plans and plats for excavations - see B. & H. 1460.05, 1460.07

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### § 1244.01 PLATS REQUIRED.

No person having control of any land within the Village shall subdivide or lay out such land in lots unless by a plat in accordance with regulations and procedures set forth in these Subdivision Regulations. No plat shall be recorded and no lot shall be sold from such plat unless the plat has first been approved by the Planning Commission. In the event of any such violation, or imminent threat thereof, the Law Director is hereby authorized to institute any appropriate action or proceeding in law or equity to prevent, restrain, enjoin, abate or correct such violation. Such action shall be in addition to any other remedy or penalty provided by these Subdivision Regulations or by law.  
(Ord. 22-1979, passed 9-11-1979)

### § 1244.02 COMPLIANCE WITH DESIGN STANDARDS AND REQUIRED IMPROVEMENTS.

The planning and developing of a subdivision shall comply with the general standards of design as set forth in Chapter 1248 and in Appendix B, following the text of these Subdivision Regulations, and with the requirements for installation of improvements set forth in Chapter 1250.  
(Ord. 22-1979, passed 9-11-1979)

### § 1244.03 PROCEDURE FOR APPROVAL.

The Planning Commission shall establish requirements for the submission, review and approval processes involving preliminary plans, improvement plans and record plats. Such

requirements may be changed at any time by a majority vote of the Commission.

Procedures for submittal of all plats and plans as established by the Commission are included in Appendix A following the text of these Subdivision Regulations, and shall be complied with in the submittal, review and approval of all subdivisions. (Ord. 22-1979, passed 9-11-1979)

#### § 1244.04 PRELIMINARY PLANS.

(a) *Generally.* The subdivider shall prepare a preliminary plan of the proposed subdivision, which plan shall conform with the requirements set forth in § 1246.02.

(b) *Filing.* The preliminary plan shall be filed in accordance with procedures set forth in Appendix A following the text of these Subdivision Regulations.

(c) *Review.* The Planning Commission shall check the preliminary plan as to its conformity with the General Land Use Plan and the Thoroughfare Plan, and as to its compliance with the standards and requirements set forth in these Subdivision Regulations. Such review shall be carried out in the manner established in Appendix A.

(d) *Tentative approval.* The Commission shall tentatively approve or disapprove the preliminary plan, or approve it with modifications noted thereon of any changes that will be required. One copy shall be returned to the subdivider, with the date of such tentative approval or disapproval endorsed thereon.

(e) *Extent of approval.* Tentative approval of the preliminary plan shall be an approval of the design features of the tract only. The Village Engineer, the Building Commissioner/Inspector or any other official having jurisdiction may modify engineering or construction details as may be necessary for the protection of the public interest. The preliminary plan approval shall be effective for two

years, provided that approval of improvement plans any time during such two-year period shall extend the effective period of such preliminary plan for five years after the date of improvement plan approval. Within reason, any time period mentioned in this division may be extended by the Commission. (Ord. 22-1979, passed 9-11-1979)

#### § 1244.05 IMPROVEMENT PLANS.

(a) *Construction of improvements.* Improvements required under these Subdivision Regulations shall be constructed in accordance with the specifications set forth in Chapter 1250 prior to approval of the final record plat.

(b) *Bond in lieu of improvements.* The subdivider may request approval of the record plat immediately following approval of the preliminary plan and prior to the installation of required improvements, provided that the Village is furnished with a performance bond or other type of bond in accordance with § 1250.02. Such bond shall be used to ensure the satisfactory construction and performance of such improvements at the time and terms fixed by the Planning Commission and in accordance with these Subdivision Regulations and other Village regulations.

(c) *Posting of bond.* Bond posting shall be in accordance with the procedure set forth in Appendix A following the text of these Subdivision Regulations.

(d) *Approval of plans.* Improvement plans required in § 1250.05 shall be approved by the Village Engineer before approval of the record plat and before construction is begun. Improvement plans shall be prepared in accordance with the requirements set forth in § 1246.03.

(e) *Filing and review.* Filing and review of improvement plans shall be in accordance with the procedure set forth in Appendix A. (Ord. 22-1979, passed 9-11-1979)

**§ 1244.06 RECORD PLATS.**

(a) *Generally.* Upon completion of all required improvements or posting of appropriate securities as stipulated in § 1244.05, the subdivider shall prepare a record plat which shall conform to the requirements set forth in § 1246.04.

(b) *Filing.* Filing of record plats shall be in accordance with the procedure set forth in Appendix A following the text of these Subdivision Regulations.

(c) *Review.* The Planning Commission shall check the record plat as to its compliance with the standards and requirements set forth in these Subdivision Regulations. Review of the plat shall be in accordance with the procedure set forth in Appendix A.

(d) *Final approval.* After fees required by these Subdivision Regulations have been paid, and a copy of the final record plat has been received by the Planning Commission from the Village Engineer, and provided that the record plat is found to conform with the preliminary plan as tentatively approved and/or modified, the Commission shall approve the final record plat and the Secretary of the Commission shall enter such approval thereon in writing.

(e) *Acceptance of dedications.* Approval of dedications shall be in accordance with § 1250.08.

(f) *Recording.* The Secretary of the Planning Commission shall notify the subdivider, in writing, of the final action of the Commission.

(g) *Submission of tracing.* The subdivider shall furnish either the original tracing of the plat or a sepia or other acceptable reproducible drawing thereof to the Commission.

(Ord. 22-1979, passed 9-11-1979)



## CHAPTER 1246: SPECIFICATIONS FOR PLANS AND PLATS

### Section

1246.01 Preparation by engineer or surveyor.  
1246.02 Contents of preliminary plans.

1246.03 Contents of improvement plans.  
1246.04 Contents of record plats.

### CROSS REFERENCES

Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.01, 711.07  
Approval or rejection; rules to govern plats - see Ohio R.C. 711.05, 711.09  
Plat acknowledgment and recording - see Ohio R.C. 711.06, 711.09, 711.103  
Procedure for subdividing - see P. & Z. Ch. 1244  
Improvements required prior to submission of record plats - see P. & Z. 1250.01  
Plan approval procedure - see Pt. 12, Title 4, Appx. A  
Plans and plats for excavations - see B. & H. 1460.05, 1460.07

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### § 1246.01 PREPARATION BY ENGINEER OR SURVEYOR.

All plats or plans submitted for review under these Subdivision Regulations shall be prepared by or under the supervision of an engineer or surveyor, as the case may require, registered in the State. (Ord. 22-1979, passed 9-11-1979)

### § 1246.02 CONTENTS OF PRELIMINARY PLANS.

A preliminary plan shall include the following:

(a) *Vicinity sketch.* A vicinity sketch drawn at a scale of 400 feet or more to the inch shall be drawn on or shall accompany the preliminary plan. Such sketch shall show:

(1) The relation of the proposed development to its general surroundings, including the location of proposed streets and their connections

to existing or proposed streets in adjacent subdivisions; and

(2) The names and boundaries of adjacent existing subdivisions and names of record owners of unplatted tracts immediately adjoining the proposed subdivision.

(b) *Scale and north arrow.* The scale of the preliminary plan shall be 100 feet to the inch, and a north arrow shall be clearly shown on the plan.

(c) *Plan title.* The plan title shall include the following:

(1) Name of subdivision. The name of the subdivision, which name shall not duplicate or closely approximate the name of any other subdivision in the County;

(2) Location. The tract designation according to real estate records of the County



Recorder, showing location by section, range, township, county and state;

(3) Names of developers. The names and addresses of the owner of record, the subdivider and the engineer and/or surveyor; and

(4) Date. The date of plat preparation.

(d) *Existing features and conditions.* The following existing features and conditions shall be shown:

(1) Streets and other features. The locations, widths and names of all existing or platted street rights of way and pavements or other public ways; utility easements; parks and other public open spaces included within or adjacent to the tract; other important features such as existing buildings, watercourses and drainage channels; and corporation, section, township and county lines;

(2) Names of abutting owners and subdivisions. The names of adjacent subdivisions and owners of adjoining tracts of unsubdivided land;

(3) Zoning districts. Zoning boundary lines, if any, as they exist on the official Zoning Map included in the Zoning Code; and

(4) Topography. Contours, normally with intervals of five feet, referenced to U.S.G.S. Datum, as required by the Planning Commission.

(e) *Proposed development features.* The plan shall indicate the following features:

(1) Boundary lines. The boundary lines, accurate in scale, of the proposed area to be subdivided;

(2) Proposed street plan. The layout of streets, including names and widths of proposed rights of way and crosswalks;

(3) Lot layout. The layout and number of proposed lots and typical lot sizes;

(4) Dedications and reservations of land. Parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved by deed covenant for use of all property owners in the subdivision, and conditions, if any, of such dedication or reservation; and

(5) Watercourses. If the subdivision is traversed by a channel, stream, creek or other watercourse, the present and/or proposed location of such watercourse.

(Ord. 22-1979, passed 9-11-1979)

**§ 1246.03 CONTENTS OF IMPROVEMENT PLANS.**

(a) *Certification.* Improvement plans and other engineering data shall be prepared and certified by a registered professional engineer.

(b) *Drawings.* Sets of improvement drawings shall be at a scale and in a medium as determined by the Village Engineer or the Building Commissioner/Inspector, with the approval of Council. Such drawings shall include the following items, plus any additional information or drawings which may be required by the Engineer or the Commissioner/Inspector:

(1) Streets.

A. All streets delineated in the plan, showing radii, functions of curves, names, etc.;

B. Centerline profiles of all streets, with grades, including any proposed sewer lines and manholes. The scale of such profiles shall be as follows: horizontal, 50 feet to the inch; vertical, ten feet to the inch. Where a proposed street ends at a property line, or may be extended in the future, the profile shall be shown for a distance of 200 feet

beyond the subdivision boundary line or past the end of the street.

C. The typical section of each type of proposed street to be used, as specified in the Engineering Rules and Regulations set forth in Appendix C following the text of these Subdivision Regulations; and

D. Proposed street names, which shall not duplicate or closely approximate the names of any other streets in the Village, except extensions of existing streets; and

(2) Sanitary sewers and storm drainage. Plans and profiles of proposed sanitary sewers and storm sewers or drainage courses, with grades and sizes indicated, or the method of storm water disposal in lieu of sewers; and a drainage plan showing all existing and proposed storm sewers, manholes, catch basins, culverts, watercourses and other underground structures within the tract and immediately adjacent thereto, with pipe sizes, grades and water openings indicated thereon. The drainage plan shall show the method to be used for the adequate disposal of all such storm water, including drainage outlets, and such other data as may be required by the Village Engineer.

(Ord. 22-1979, passed 9-11-1979)

#### § 1246.04 CONTENTS OF RECORD PLANS.

Record plats shall be prepared as follows:

(a) *Scale; north arrow; medium of drawing.* The record plat shall be drawn at a scale of 50 feet to the inch, and such scale shall be indicated graphically on the plat along with a north arrow. Plats shall be drawn on linen tracing cloth or similar durable material on a sheet 24 inches wide by 36 inches long. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets. There shall be a binding margin of one and one-half inches on the left

side of the 36 inch length and one-inch margins on all other sides.

(b) *Plat title.* Plat titles shall include the following:

(1) Name of subdivision. The name of the subdivision;

(2) Location. The tract designated by section, range, township, county and state;

(3) Names of developers. The names and addresses of the owner of record, the subdivider and the engineer and/or surveyor; and

(4) Date. The date of plat preparation.

(c) *Boundaries, bearings and other specifications.* The following data shall appear on the record plat:

(1) Boundaries. Plat boundaries with lengths of courses to hundredths of a foot and bearings to half minutes. The error of closure shall not exceed one in 5,000. Boundaries shall be determined by an accurate survey in the field. When required, all closure calculations shall be submitted to the Village Engineer.

(2) Recorded streets. The names, exact locations and widths along the property lines of all existing or recorded streets intersecting or paralleling and adjacent to the plat boundaries;

(3) Abutting tracts. The names of adjacent subdivisions and of record owners of adjacent parcels of unplatted land;

(4) Bearings; distances. Monuments located and accurately described on the plat by bearings and distances to the nearest established street line, section line, county line, subdivision of record, etc., where applicable;

(5) Corporate limits and section boundaries. Any section lines, corporation lines or recognized monuments, located and accurately described on the plat;

(6) Monuments. An accurate description of the location, material and size of reference monuments, carried out in accordance with the requirements set forth in the Ohio Revised Code; and

(7) Layout.

A. Streets and walkways. The names and exact location bearings, angles of intersection and widths of all streets and crosswalks within the plat;

B. Easements. Easements for rights of way provided for public services, utilities and surface drainage, and any limitations of such easements;

C. Lot lines. Lot numbers and lines, with accurate dimensions in feet and hundredths and with bearings or angles related to street and crosswalk lines;

D. Lengths of curves. Lengths of all arcs, radii points of curvature and tangent bearings or other information required by the County Recorder; and

E. Dedication or reservation lines. Accurate boundaries of any area to be dedicated for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners in the subdivision.

(d) *Restrictions; Certifications; Protective Covenants; Acceptance.* The following data shall be included on the record plat:

(1) Restrictive covenants. Private restrictions, if any, including boundaries of each type of use restriction, and other private restrictions for each definitely restricted section of the subdivision;

(2) Owner's acknowledgment. The owner's acknowledgment of the plat and all contents and restrictions shown thereon, before an officer authorized to take the acknowledgment of deeds, which officer shall certify his or her official act on the plat;

(3) Certification by surveyor. Certification by a registered surveyor attesting to the accuracy of the survey made by him or her; that all monuments shown thereon actually exist; that their location, size and material are correctly shown; and that he or she has fully complied with these Subdivision Regulations;

(4) Planning Commission certificate. Certification by the Secretary of the Planning Commission that the plat meets all applicable requirements. Such certificate shall be affixed to the final plat.

(5) Acceptance of dedicated land. Space for a statement of the Village's acceptance of land dedicated by the owner for street and other public areas, with lines for signature and date. (Ord. 22-1979, passed 9-11-1979)

## CHAPTER 1248: DESIGN STANDARDS AND REQUIREMENTS

### Section

- |  |   |
|--|---|
| 1248.01 Compliance generally.  | 1248.07 Minimum pavement and sidewalk widths. |
| 1248.02 Compliance with master plans.                                | 1248.08 Street grades and curves.             |
| 1248.03 Neighborhood plans.  | 1248.09 Intersections.                        |
| 1248.04 Street layouts.  | 1248.10 Lots.                                 |
| 1248.05 Blocks.  |   |
| 1248.06 Minimum rights of way for streets, crosswalks and easements. |   |

### CROSS REFERENCES

- Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14  
Change of name, vacating and narrowing streets - see Ohio R.C. 723.04 et seq.  
Surface treatment of streets - see Ohio R.C. 723.23, 723.31  
Notice to construct or repair sidewalks - see Ohio R.C. 729.03  
Streets - see S.U. & P.S. Ch. 1020  
Sidewalks - see S.U. & P.S. Ch. 1022  
Trees - see S.U. & P.S. Ch. 1026  
Compliance with design standards - see P. & Z. 1244.02

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### § 1248.01 COMPLIANCE GENERALLY.

In designing the layout of a subdivision, the subdivider shall comply with the requirements and general principles set forth in this chapter.  
(Ord. 22-1979, passed 9-11-1979)

### § 1248.02 COMPLIANCE WITH MASTER PLANS.

(a) *Thoroughfare Plan.* A subdivision layout shall conform to the Official Thoroughfare Plan if and when such a Plan is adopted by the Planning Commission. Whenever any existing or proposed thoroughfare, parkway or other major or collector street designated on the Thoroughfare Plan abuts or

traverses a tract to be subdivided, such part of such right-of-way shall be platted by the subdivider in the location and at the width indicated on the Thoroughfare Plan.

(b) *General Land Use Plan.* The layout of the subdivision shall conform to the Official General Land Use Plan if and when such a Plan is adopted by the Planning Commission. Where a proposed park or other recreational area, school site or other public ground shown on such Plan is located in whole or in part within the proposed subdivision, such proposed public ground, if not dedicated to the Village or the Board of Education, shall be reserved by the subdivider for acquisition by the Village or the Board, within a period of two years from the

Commission approval of the preliminary drawing, by purchase or other means, unless released by the Village or the Board. If the Village notifies the developer of its decision to buy public ground as shown on the General Land Use Plan within the first year of the time specified in this division, the time period will automatically be extended by one additional year.

(Ord. 22-1979, passed 9-11-1979)

### § 1248.03 NEIGHBORHOOD PLANS.

If a tentative plan has been prepared by the Planning Commission for the neighborhood wherein a proposed subdivision lies, the subdivision layout shall conform generally to such plan.

(Ord. 22-1979, passed 9-11-1979)

### § 1248.04 STREET LAYOUTS.

(a) *Circulation.* The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or unsubdivided lands as may be required by the Planning Commission. Minor residential streets should be so planned as to discourage their use by nonlocal traffic.

(b) *Consistency with adjoining streets.* The arrangement of streets shall make provisions for the continuation of the principal existing or proposed streets in adjoining areas, or their proper projection where adjoining land is not subdivided, insofar as they are necessary for public requirements.

(c) *Allowance for hardship to adjoining owners.* The street layout shall be designed so as not to cause a hardship to owners of adjacent property when they plat their own land and seek to provide for convenient access to it. The Planning Commission may require land to be reserved for future street purposes to be developed by an adjacent land owner at a later date.

(d) *Extensions to subdivision boundary lines.* Proposed streets shall be extended to the boundary

lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most suitable layout of adjacent tracts.

(e) *Intersections.* Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.

(f) *Street jogs.* Street jogs with centerline offsets at intersections shall not be allowed unless the distance between such centerline offsets is at least 200 feet on local and collector streets, 300 feet on secondary thoroughfares and 500 feet on primary thoroughfares.

(g) *Cul-de-sacs.* Cul-de-sacs may be approved where necessitated by topography or where, in the opinion of the Planning Commission, they are appropriate for the type of development contemplated. Turnarounds of the circular type shall be required. Except in unusual circumstances, the Commission shall not approve a cul-de-sac with a length greater than 700 feet, and in no case shall such length be greater than 800 feet.

(h) *Temporary dead-end streets.* Except as otherwise provided in these Subdivision Regulations, temporary dead-end streets may be approved where necessitated by the layout of the subdivision or staging of development, provided that temporary paved turnarounds shall be constructed at the end of such streets in cases where more than eight lots front on such streets. The widths of rights of way or temporary easements shall be the same as that required for permanent turnarounds. The extra right-of-way in excess of the street right-of-way shall be vacated upon extension of the temporary street, and the reconditioning of such street and all surface improvements and front yards concerned shall be carried out at the expense of the subdivider

responsible for the extension of such temporary dead-end street.

(i) *Half streets.* Dedication of half streets shall not be permitted, except in special situations which are in the public interest. Where there exists a dedicated or platted half street adjacent to the tract being subdivided, the other half shall be platted if, in the opinion of the Planning Commission, it is necessary to promote proper development.

(j) *Private streets.* Except in unusual conditions when held desirable by the Planning Commission, or in cases permitted in accordance with the Zoning Code, private streets will not be approved.  
(Ord. 22-1979, passed 9-11-1979)

#### § 1248.05 BLOCKS.

(a) *Width.* Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except in the case of approved double frontage lots abutting a primary thoroughfare.

(b) *Length.* Blocks shall not exceed 1,800 feet in length.

(c) *Crosswalks.* Crosswalks shall be suitably located where required by the Planning Commission to provide adequate pedestrian circulation.

(d) *Irregularly shaped blocks.* Irregularly shaped blocks, including those indented by cul-de-sacs, containing interior parks or playgrounds and adequate parking space, will be acceptable when properly designed and covered by agreements as to maintenance of such park areas.

(e) *Intersecting streets on primary thoroughfares.* The number of intersecting streets along primary thoroughfares shall be held to a minimum. Wherever practical, blocks along such thoroughfares shall be not less than 1,200 feet in length.

(Ord. 22-1979, passed 9-11-1979)

#### § 1248.06 MINIMUM RIGHTS OF WAY FOR STREETS, CROSSWALKS AND EASEMENTS.

(a) *Primary thoroughfares and existing highways.* Rights-of-way of primary thoroughfares and existing highways shall be as specified in the Official Thoroughfare Plan, but not less than 100 feet in any case.

(b) *Secondary thoroughfares.* Rights-of-way of secondary thoroughfares shall be as specified in the Official Thoroughfare Plan, but not less than 80 feet in any case.

(c) *Collector streets.* Rights-of-way of collector streets shall be as specified in the Official Thoroughfare Plan, but not less than 70 feet in any case.

(d) *Local streets.* Rights-of-way of local streets shall be 60 feet. Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way diameter of 102 feet. Dead-end streets with no turnaround facilities shall not be approved except as authorized in § 1248.04(h).

(e) *Alleys.* Alleys, where platted, shall have a minimum width of 22 feet.

(f) *Crosswalks.* Crosswalks shall be a minimum of ten feet wide.

(g) *Utility Easements.* Utility easements, where required, shall be at least ten feet wide along rear or side lot lines.

(h) *Easements Along Streams.* Whenever any stream or important surface drainage course is located in the area being subdivided, and open drainage is to be permitted, the subdivider shall provide an adequate easement along each side of the stream or open drainage course for the purpose of widening, deepening, relocating, improving or protecting the stream or open drainage course for drainage or recreational use.

(Ord. 22-1979, passed 9-11-1979)

### § 1248.07 MINIMUM PAVEMENT AND SIDEWALK WIDTHS.

Minimum pavement widths, measured back-to-back of curb, shall be installed at the subdivider's expense in accordance with the following requirements:

(a) *Primary and secondary thoroughfares and collector streets.* Minimum widths for primary thoroughfares shall be 58 feet; for secondary thoroughfares, 48 feet; and for collector streets, 38 feet. In cases of primary or secondary thoroughfares usually requiring pavements wider than the minimum, the matter of financial and other arrangements for installing such wider pavements or expanding the pavements at some future date shall be taken up by the developer with officials having jurisdiction therefor, except as provided in § 1250.04(a)(1).

(b) *Collector street exceptions.* In cases where a collector street does not front directly on a public school site, or, in the opinion of the Planning Commission, where such street will not provide the shortest and most logical route from at least 250 dwelling units within the neighborhood, as delineated in the Official Comprehensive Master Plan, to destinations outside the neighborhood, a pavement width of 28 feet measured back-to-back of curb may be permitted. In all cases, the costs of collector streets shall be financed by the subdivider.

(c) *Local streets.* The minimum width for local streets shall be 30 feet. The pavement of a turning circle at the end of a cul-de-sac shall have a minimum outside diameter of 80 feet back-to-back of curb.

(d) *Alleys and service drives.* The minimum width for alleys and service drives shall be 20 feet, unless planned for one-way directional movement.

(e) *Sidewalks and crosswalks.* Sidewalks shall be installed on both sides of all streets and within the

right-of-way or easement of any crosswalk and shall have a minimum width of four feet.  
(Ord. 22-1979, passed 9-11-1979)

### § 1248.08 STREET GRADES AND CURVES.

The Planning Commission shall establish standards for all street grades and curves. Such standards may be changed at any time by a majority vote of the Commission.

Street grade and curve standards, as established by the Commission, are included in Appendix B following the text of these Subdivision Regulations and shall be complied with in the design and approval of subdivisions.  
(Ord. 22-1979, passed 9-11-1979)

### § 1248.09 INTERSECTIONS.

(a) *Property lines.* At the intersection of two streets, property line corners shall be rounded by an arc, the minimum radius of which shall be 12.5 feet.

(b) *Street curbs.* Street curbs or edges of street pavements shall be rounded by radii of at least 25 feet for local and collector streets and 30 feet for primary and secondary thoroughfares.

(c) *Small-Angle Intersections.* The minimum radii noted in this section shall be increased when the smallest angle of intersection is less than 80 degrees, or in any case where the Planning Commission considers an increase necessary.

(d) *Angles.* The minimum intersection angle of centerlines at intersections shall be 80 degrees on local streets and 85 degrees on all other streets and thoroughfares.  
(Ord. 22-1979, passed 9-11-1979)

### § 1248.10 LOTS.

(a) *Size, shape and orientation.* The size, shape and orientation of lots shall be appropriate to

the location of the proposed subdivision and for the types of development contemplated, in compliance with applicable requirements set forth in the Zoning Code.

(b) *minimum frontage and lot widths.* Lot frontage and width shall comply with the requirements set forth in the Zoning Code.

(c) *Access.*

(1) Generally. All lots shall front on an improved public street except as otherwise allowed in the Zoning Code.

(2) Lots fronting directly on a primary thoroughfare. Any lot which is platted after the enactment of these Subdivision Regulations (Ordinance 22-1979, passed September 11, 1979) and which fronts or is proposed to front directly on a primary thoroughfare, as delineated on the Official Thoroughfare Plan, shall have a turnaround provided in conjunction with the driveway serving the structure thereon, to discourage motor vehicles from backing out onto the primary thoroughfare.

(d) *Double frontage lots.* Lots with double frontage shall not be approved, except to avoid frontage upon heavily traveled thoroughfares.

(e) *Lot lines.* Side lines of lots shall be approximately at right angles or radial to the street line unless, in the opinion of the Planning Commission, a variation from this rule will give a better street and lot plan.

(f) *Building lines or set-back lines.* Minimum building lines or set-back lines shall comply with the requirements set forth in the Zoning Code.  
(Ord. 22-1979, passed 9-11-1979)





## CHAPTER 1250: IMPROVEMENTS

### Section

- |   |                                     |
|---|-------------------------------------|
| 1250.01 Installations required prior to submission of record plats. | 1250.05 Construction plans.         |
| 1250.02 Bonds.  | 1250.06 Inspections.                |
| 1250.03 Cost of improvements.                                       | 1250.07 Time limits for completion. |
| 1250.04 Required improvements.                                      | 1250.08 Acceptance of streets.      |

### CROSS REFERENCES

- Inspection of construction; acceptance by Village - see Ohio R.C. 711.091  
Streets and sidewalks - see S.U. & P.S. Ch. 1020, Ch. 1022  
Assessments for improvements - see S.U. & P.S. Ch. 1028  
Sewers - see S.U. & P.S. Ch. 1040  
Water - see S.U. & P.S. Ch. 1042  
Gas - see S.U. & P.S. Ch. 1044  
Electricity - see S.U. & P.S. Ch. 1046  
Design standards - see S.U. & P.S. Ch. 1048  
Compliance with improvement requirements - see P. & Z. 1244.02  
Improvement plans - see P. & Z. 1244.05, 1246.03

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#### § 1250.01 INSTALLATIONS REQUIRED PRIOR TO SUBMISSION OF RECORD PLATS.

As a condition precedent to approval of a plat of a subdivision of land within the Village, all improvements required by this chapter shall be completed prior to the filing of the final record plat with the Planning Commission. Such improvements shall be installed in accordance with the standards set forth or authorized to be set forth in these Subdivision Regulations and under the supervision of the officials herein designated.

(Ord. 22-1979, passed 9-11-1979)

#### § 1250.02 BONDS.

If improvements are not completed as required in § 1250.01, the subdivider shall furnish the Village with a performance bond in the form of cash, property bond or bond of a recognized surety company acceptable to the Planning Commission, sufficient to cover the cost, including predicted inflation increase, as estimated by the appropriate Village agency, of all improvements required to be installed by the subdivider. Such bond shall be used to ensure the actual construction and installation of such improvements after approval of the final plat and within the time stated in § 1250.07. Such bond shall be subject to approval of the Law Director and shall be filed with the Finance Director.

**§ 1250.03 COST OF IMPROVEMENTS.**

Except as otherwise provided in this chapter, all improvements, whether constructed before or after approval of the final record plat as provided in this chapter, shall be installed at the subdivider's cost. (Ord. 22-1979, passed 9-11-1979)

**§ 1250.04 REQUIRED IMPROVEMENTS.**

(a) *Streets.* Streets shall be graded to the full width of the right-of-way and shall be fully constructed and paved in accordance with standards and specifications established by the Village, as specified in Appendix C following the text of these Subdivision Regulations. Specifically:

(1) *Primary and secondary thoroughfares.*

Where the Planning Commission requires a pavement width greater than the required minimum and/or a right-of-way width greater than the required minimum, the Village shall pay the cost of pavement construction in excess of the required minimum and the cost of right-of-way in excess of the required minimum. The Commission may approve lesser pavement widths in negotiating for the acquisition of additional rights of way.

(2) *Collector and local streets.*

The cost of all improvements on collector and local streets, including turnarounds at the ends of cul-de-sacs, shall be paid by the subdivider.

(3) *Sidewalks.*

Concrete sidewalks shall be installed on both sides of the street in accordance with the specifications of the Village. The Planning Commission may waive sidewalk requirements on one side of the street.

(b) *Storm water sewer or drainage system.*

Every subdivision shall be provided with a storm water sewer or drainage system which is adequate to serve the platted area and which otherwise meets the standards and specifications of the Village.

Where feasible, storm water drainage may be permitted by means of ditches in drainage courses recommended by the Village Engineer and endorsed by the Planning Commission. Such type of drainage shall be treated for erosion as recommended by the Engineer and approved by the Commission.

(c) *Sanitary sewers.* Every subdivision shall be provided with a complete sanitary sewerage system connected with available sewer mains, including a lateral connection for each lot. All sewers shall be constructed in accordance with Village standards.

(d) *Water distribution.* Every subdivision shall be provided with a complete water distribution system adequate to serve the area being platted, in accordance with requirements of the Cincinnati Water Works.

(e) *Planting.*

(1) *Parkways.* All landscaped strips, parkways and screening areas dedicated to the public shall be graded and seeded in an appropriate manner.

(2) *Street trees.* Shade or ornamental trees to be planted in the Village rights of way shall be in accordance with Appendix F following the text of these Subdivision Regulations.

(f) *Street name signs.* Street name signs shall be provided at all street intersections or where a change of direction of a street requires a change of street name. The signs shall be of the size and type approved for use by the Village.

(g) *Permanent monuments.* Accurately located monuments shall be placed and constructed in accordance with the requirements of the Ohio Revised Code. These monuments shall be located on the record plat and certified by the subdivider's surveyor. (Ord. 22-1979, passed 9-11-1979)

**§ 1250.05 CONSTRUCTION PLANS.**

Construction plans for improvements to be installed shall be prepared by a qualified registered engineer and submitted in accordance with the specifications of officials having jurisdiction over such plans. No improvements shall be installed until and unless such plans have been received and approved by such officials.

(Ord. 22-1979, passed 9-11-1979)

**§ 1250.06 INSPECTIONS.**

Prior to starting any of the work covered by approved construction plans, the subdivider shall make arrangements to provide for inspection of the work, which inspection shall be sufficient, in the opinion of the Service Director/Street Commissioner or the Building Commissioner/Inspector, to ensure compliance with the plans and specifications as approved. The subdivider shall also obtain written approval thereof from the Service Director/Street Commissioner or the Building Commissioner/Inspector before commencing the work.

(Ord. 22-1979, passed 9-11-1979)

**§ 1250.07 TIME LIMITS FOR COMPLETION.**

Construction of all improvements required under this chapter shall be completed within three years from the date of approval of the commencement of the work, as specified in § 1250.06, unless good cause can be shown for the granting of an extension of time, which extension shall be made by Council.

(Ord. 22-1979, passed 9-11-1979)

**§ 1250.08 ACCEPTANCE OF STREETS.**

The approval of a final record plat by the Planning Commission shall not be deemed to be an acceptance of the dedication of any public street or any other proposed public way or open space shown on such plat. Such streets and improvements included therein shall be accepted as public streets

and ways under Ohio R.C. 711.091. Such acceptance shall be endorsed on the plat at the time such approval is given by the Clerk of Council.



## APPENDIX A: PLAN APPROVAL PROCEDURE

(a) *Procedure for Approval.* In accordance with § 1244.03, the Planning Commission should establish procedures for the submission, review and approval of all preliminary plans, improvement plans and record plats. Time requirements for processing, as well as the number of prints needed for review of various public agencies, should also be included. In cases where other agencies exercise approval authority, a complete description of such procedures should also be included.

(b) *Method for Plan Approval.*

(1) Preliminary plans. The developer shall work out layout and road patterns with the County Regional Planning Commission staff and deliver an approved and initialed plan and three copies thereof to the Village offices for review by the Village Engineer and the Building Commissioner/Inspector. All plans submitted to the Village for review shall not be folded, but may be rolled.

When such plans are approved, the Village Engineer and Building Commissioner/Inspector shall submit one signed copy to the Planning Commission with their approval report and one copy to each Commission member.

The Commission will discuss and approve the plan after any required changes are accomplished.

After approval by the Commission, the developer shall submit seven copies of the corrected plan to the Village Administrator, to be distributed as follows: one for the Regional Planning Commission; two for the Village Engineer; one for the Building Commissioner/Inspector; one for the Planning Commission; and two for the developer.

(2) Water works plan. The developer shall submit two copies of a water works plan to the Village Administrator for review by the Village Engineer. All plans submitted to the Village for review shall not be folded, but may be rolled.

The Village Engineer shall mark revisions on one copy of the water works plan and return such copy to the developer. The developer shall make the necessary revisions on such plan, resubmit two sets of the corrected plan to the Engineer for Planning Commission approval and submit approved copies of the corrected plan to the Cincinnati Water Works Department for its approval.

After approval by the Cincinnati Water Works Department, the developer shall submit three copies of the final approved plan to the Village Administrator to be distributed as follows: two for the Village Engineer and one for the Fire Department.

(3) Subdivision improvement plans. Subdivision improvement plans must follow the approved preliminary plans as to lot layout and road pattern.

The developer shall deliver three copies of improvement plans, grading plans and supporting data for sanitary and storm sewer design to the Village Administrator for review by the Village Engineer. All plans submitted to the Village for review shall not be folded, but may be rolled.

The Engineer will mark revisions on one copy of these plans and supporting data for sanitary and storm sewer design and send them along with one unmarked copy of each to the Metropolitan Sewer District (M.S.D.) for review and approval. The District's Sanitary Engineer will add his or her notations to the marked copy and return such copy to the developer. The absence of any required data shall be sufficient cause for immediate rejection by the Village Engineer.

The developer shall correct all revisions and send three corrected copies and the original marked copy to the Metropolitan Sewer District. The Sanitary Engineer shall review such plans to see that all revisions for sanitary and storm sewers have been corrected, and if so, he or she will sign two copies and send them along with the original marked copy to the Village Engineer.

The Village Engineer shall review such plans to see that all other revisions have been corrected, and if so, he or she will approve and sign such plans. If corrections are not satisfactory to the Village Engineer, he or she will send one marked copy to the developer with instructions to correct the resubmitted plans.

As a matter of policy the Village Engineer may, in all cases mentioned in this division, correspond directly with the developer's consultant, with the developer's permission in writing. The Village Engineer will submit one signed copy to the Planning Commission with his or her approval report.

The Commission will discuss and approve the plans after any required changes are accomplished.

To ensure placement on the Commission agenda, all plans which are presumably correct must be submitted to the Village Engineer at least two weeks prior to the Commission agenda closing date.

The developer shall submit ten copies of the approved plan to the Secretary of the Planning Commission for signature. Such signed prints will be distributed by the Village Administrator as follows: two for the Metropolitan Sewer District, one for Cincinnati Gas and Electric, one for the County Board of Health, one for the Cincinnati Water Works Department, two for the Village Engineer, one for the Planning Commission, and two for the developer.

(4) Record plats. The developer shall submit two copies of the record plat to the Village Administrator for review by the Village Engineer. All plans submitted to the Village for review shall not be folded, but may be rolled.

The Village Engineer will mark revisions on one copy and send such copy back to the developer. The developer shall correct all revisions and send the marked copy and corrected copies to the Engineer. The Engineer shall review the plans to see that all revisions have been corrected, and if so, he or she shall sign and approve the plans. If the corrections are not satisfactory to the Engineer, he or she shall send one marked copy to the developer with instructions to correct and resubmit the plans. The Engineer will send two copies of the corrected plans to the Metropolitan Sewer District.

The Engineer shall determine the amount of bond required, including predicted inflation increase, if any, for roadway improvements. The Metropolitan Sewer District shall determine the amount of the bond required, if any, for underground improvements and send this bond amount to the Engineer. The Engineer shall notify the developer of the total amount of bond required, if any. The Engineer may elect to determine the amount of the bond for storm sewers.

The developer shall post the necessary bond with the Finance Director, who will notify the Village Engineer, in writing, that the bond has been received.

As a matter of policy, the Engineer may, in all cases mentioned in this division, correspond directly with the developer's consultant, with the developer's permission in writing.

The Engineer shall submit his or her approval report, one corrected copy of the record plat and the original corrected tracing to the Planning Commission, and shall submit one copy to each member after all bonds have been received.

The Commission will approve the record plat for recordation and the Secretary of the Commission will sign the original tracing.

The original polyester film tracing will be given to the developer so it can be recorded, and five copies of it will be given to the Village Administrator for distribution as follows: one for the Planning Commission; two for the Engineer; one for the Metropolitan Sewer District; and one for the Cincinnati Water Works Department.

After the streets indicated on his or her record plat have been accepted by the Village, the developer shall submit the original tracing to the Village Administrator. The Engineer shall have the Clerk of Council sign this tracing and return it to the developer. The developer shall furnish the Village Administrator five copies of the final record plat for distribution, as mentioned in this division. The Planning Commission meeting agenda closing date shall be ten days prior to the regular Commission meeting.





## APPENDIX B: STREET GRADE AND CURVE STANDARDS

(a) *Establishment.* In accordance with § 1248.08, the Planning Commission shall establish standards for all street grades and curves.

As a means of coordinating development with the standards of the County, the Planning Commission hereby establishes all County street grades and curve standards as requirements for all subdivisions within the Village, provided that any amendment to County standards dated after the adoption of this Appendix (Ordinance 22-1979, passed September 11, 1979) shall not take effect in the Village without prior approval of the Planning Commission.

(b) *Specifications.*

(1) *Curves.* The minimum radius of curvature on the centerline shall be 500 feet for primary or secondary thoroughfares, 200 feet for collector streets and 100 feet for minor residential streets.

(2) *Grades.* Maximum grades shall not exceed six percent for primary or secondary thoroughfares or twelve percent for collector or local streets. The minimum grade of all streets shall be 0.8 percent. Grades across intersections shall not exceed four percent except at the discretion of the Village Engineer and/or the County Engineer.

Changes in grade shall be connected by vertical curves of a minimum length equal to 15 times the algebraic difference in rate of grade for thoroughfares, and one-half such minimum length for minor or local streets.

(Ord. 22-1979, passed 9-11-1979)



**APPENDIX C: ENGINEERING RULES AND REGULATIONS;  
BACKFILL REQUIREMENTS**

(a) *Engineering Rules and Regulations.* In all cases not specifically covered by these Subdivision Regulations and appendices thereto, the appropriate sections of the existing County Engineering Rules and Regulations, as amended, shall remain in effect. However, all amendments to the County Engineering Rules and Regulations taking effect after the passage of these Subdivision Regulations (Ordinance 22-1979, passed September 11, 1979) shall not be binding, unless approved by the Planning Commission and adopted by Council.

The requirements for backfilling of trenches set forth in division (b) hereof are an exception to this division.

(b) *Backfill Requirements.* Excavations for any purpose under street pavements, sidewalks or areas to be paved shall be backfilled with granular material meeting the requirements for 310 material as per the State Construction and Material Specifications. No paving operation shall be permitted until all excavations have been backfilled, compacted, inspected and approved.

All trenches made in the subgrade of the proposed roadbed or sidewalk area, and all trenches parallel to the roadway where the edge of the trench is nearer than one foot to the edge of the proposed pavement or the proposed curb, shall be backfilled with granular material. All transverse trenches shall be backfilled two feet outside the limits of the proposed roadbed of the pavement.

Granular material used for bedding and backfilling shall be compacted, with mechanical tampers, under and around the conduit and to the top of the trench in layers not to exceed four inches in thickness. Granular material may be compacted with water if satisfactory drainage is provided for the free water. When compacting with water, the granular material may be deposited in ponded water, or it may be placed in layers not to exceed twelve inches loose depth and each layer thoroughly saturated with water. The material shall be filled and compacted to the final grade, line and cross-section of the subgrade as shown on the improvement plan. The granular material shall be compacted to 95 percent of its maximum laboratory dry weight.

Trenches in areas in the unimproved portion of the right-of-way shall be backfilled with suitable soil placed in layers not to exceed four inches in thickness and compacted with mechanical tampers. The soil shall be compacted to 95 percent of its maximum laboratory dry weight. Granular material may be used in backfilling such trenches. The granular material shall be placed and compacted as mentioned in this division.  
(Ord. 22-1979, passed 9-11-1979)



## CHAPTER D: DITCHES, CHANNELS AND SWALES

(a) *Generally.* As used in this appendix, "ditches" means open watercourses for the purpose of carrying water overland to or in lieu of closed conduits or to other ditches, channels or swales. "Ditches" includes channels and swales.

Ditches shall be shown on the improvement plan as part of the drawings and in profile at the same scale as storm and sanitary sewers.

The plan shall also contain a typical section of the ditch, showing width of bottom, side slopes and type and dimensions of lining.

(b) *Design.* The design of ditches shall consist of the following:

(1) Hydraulically determining the depth and configuration of ditch necessary to carry the design peak flow at the design velocity. The cross-section of the ditch shall be as shown in the standard drawings.

(2) Determining the type and dimensions of the ditch lining needed to maintain proper erosion control to prevent scour or needed to prevent undesirable sedimentation.

(c) *Design Criteria.* All ditches shall be designed for the ultimate use of the land and in accordance with the following:

(1) Review information. The information necessary for proper review is the station on the ditch of the point being considered; discharge (Q); velocity (v); coefficient of friction (n); depth (d); and the type, limits and dimensions of ditch lining.

(2) Design sheets. The ditch design sheet recommended by the Village Engineer, or a reasonable facsimile thereof, shall be used in the design and shall accompany the plans submitted for review.

(3) Points of design. Each ditch shall be checked for the information required in division (c)(1) hereof at each point where a concentrated discharge enters the ditch, at each point where the type of ditch lining changes, at each change in grade and at various points throughout its length at a maximum of 400-foot intervals. The entire reach of ditch shall be designed for the total discharge at the lower end of the reach.

(4) Surface run-off. The quantity of surface run-off or discharge shall be computed by the rational formula  $Q=ciA$ .

A. Coefficient of run-off (c). A weighted value of c shall be computed for each contributing area using the following values:

- |     |   |                                      |
|-----|---|--------------------------------------|
| 0.9 | - | roof and hard surfaced areas         |
| 0.7 | - | steep grassed areas (4:1 or steeper) |
| 0.4 | - | for unpaved areas, lawns and yards   |

B. Intensity of precipitation (I). The intensity of rainfall shall be obtained by use of the rainfall duration-versus-intensity chart D-802 - Area D - Ohio Department of Highways Location and Design Manual. The duration of rainfall shown on the graph is the concentration time or an estimate of the time for the water to flow from the most remote part of the drainage area to the point in the ditch being analyzed. Such time can best be estimated by the use of the overland flow chart found in Volume One of the Date Book for Civil Engineers by Seelye. The minimum time to the first point shall be 15 minutes.

C. Design frequency. The design frequency for depth shall be a ten-year storm and for velocity a two-year storm, except where existing or proposed buildings would be flooded, then in which case a 25 year design frequency shall be used for depth.

(5) Hydraulic design. The ditch will be hydraulically designed by the use of Manning's formula for open-channel flow. In order to expedite the determination of velocity and depth, the charts contained in the Bureau of Public Roads, Hydraulic Design series No. 3, "Design Charts for Open Channel Flow" may be used.

A. Coefficient of friction (n). The coefficient of friction shall be determined as follows:

n =	.015 paved lining of precast concrete riprap
n =	.03 bare earth (seeding)
n =	.04 sodding of grouted riprap
n =	.08 dumped rock channel protection

B. Allowable velocities. The maximum allowable velocities for various linings shall be as follows:

Bare earth (seeding) -	to 2.5 feet per second (fps)
Sodding -	2.5 fps to 5.5 fps

Dumped rock channel protection - Over 5.5 fps, or paved lining, precast concrete riprap or grouted riprap

C. Minimum grades or velocity. The minimum grade on any ditch shall be 0.3 percent. On occasion it may be necessary to establish a minimum velocity to preclude any undesirable sedimentation in the ditch. These minimum velocities will be at the discretion of the Village Engineer and will be handled individually.

(d) *Grading Plan*. The developer shall furnish a grading plan to the Village Engineer unless specifically advised otherwise. If the grading plan is not submitted, the improvement plan review will be delayed and acceptance of the subdivision will be postponed until the grading plan can be reviewed.

(e) *Culverts and Storm Sewers*.

(1) Generally. Culverts and storm sewers that begin as an open pipe shall be checked for headwater depth. The headwater depth shall be such that no property damage will result at the design storm and all water shall be contained within the established drainage easement.

(2) Inlet and outlet ditches. Inlet and outlet ditches for culverts and storm sewers shall be hydraulically checked, and where, in the opinion of the Village Engineer, excessive velocities exist, erosion control shall be provided. The centerline profile of the existing ditch at the inlet and outlet of a culvert or storm sewer shall be shown at least 100 feet beyond the point of the beginning or end of the work.

(f) *Interpretation and Extra Data.* The interpretation of this appendix is the sole responsibility of the Village Engineer. The Engineer may, at his or her discretion, require any other data he or she deems necessary for a proper review.

(Ord. 22-1979, passed 9-11-1979)



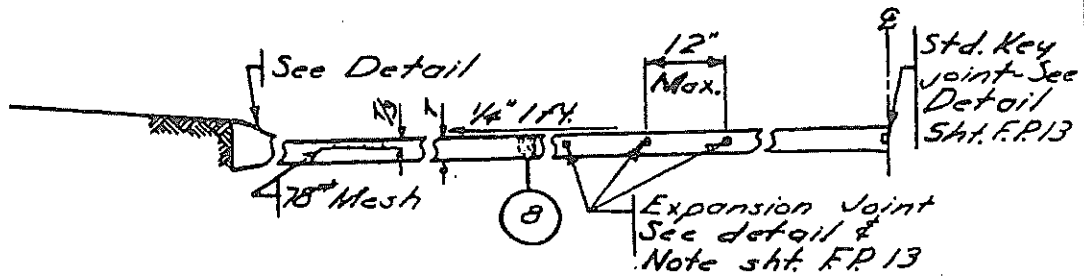


APPENDIX E: STANDARD CONSTRUCTION DRAWINGS

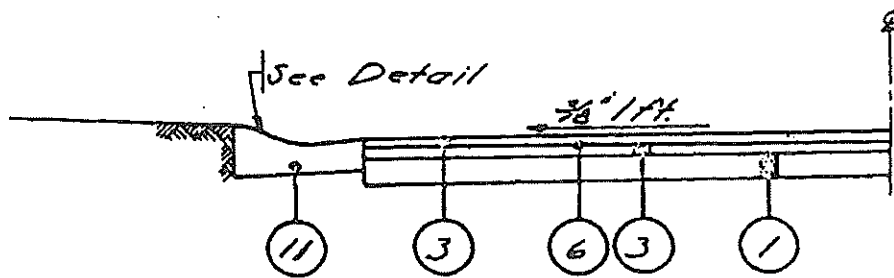
APPENDIX E  
STANDARD CONSTRUCTION DRAWINGS  
LEGEND

- ① - Item 301 - 4" Bituminous Aggregate Base.
- ② - Item 404 - 1 1/4" Asphalt Concrete (70-85).
- ③ - Item 404 - 1 1/2" Asphalt Concrete (70-85).
- ④ - Item 404 - 2" Asphalt Concrete (70-85).
- ⑤ - Item 404 - 2 1/2" Asphalt Concrete (70-85).
- ⑥ - Item 407 - Tack Coat - 0.15 gal. per sq. yd. of R.C.-250.
- ⑦ - Item 408 - Bituminous Prime Coat - 0.30 gal. per sq. yd. of MC.3000.
- ⑧ - Item 451 - 7" Reinforced Portland Cement Pavement (78<sup>#</sup> Mesh).
- ⑨ - Item 451 - 8" Reinforced Portland Cement Pavement (78<sup>#</sup> Mesh).
- ⑩ - Item 608 - 5" Concrete walk (6" Across Driveway).
- ⑪ - Item Special - Concrete Curb and Gutter as per detail.

STANDARD STRUCTURAL SECTIONS



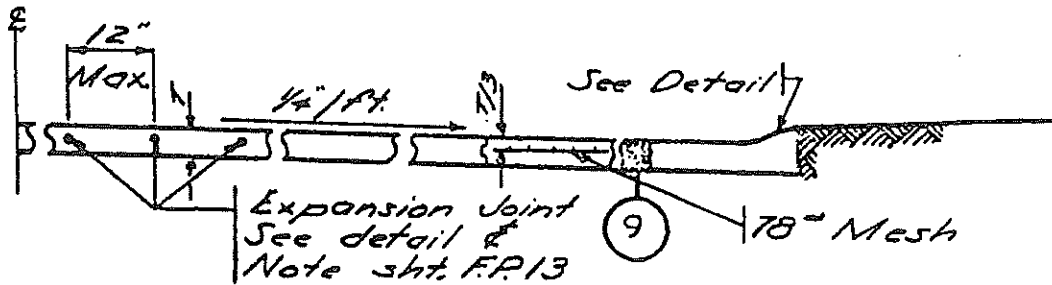
TYPE I PAVEMENT



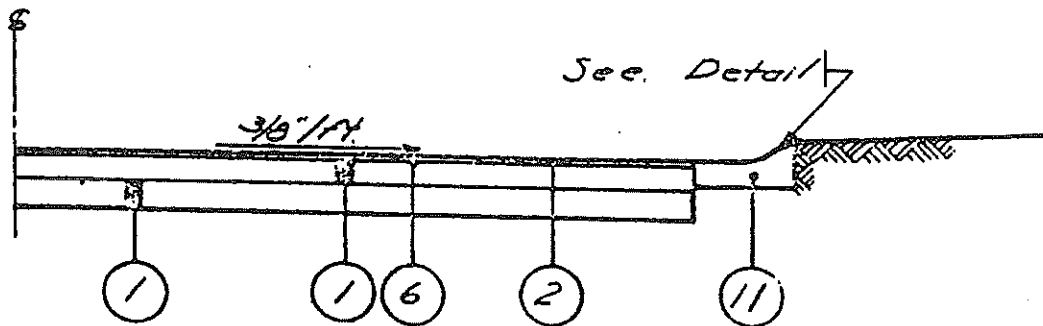
TYPE II PAVEMENT\*

\* See note - E-3

## STANDARD STRUCTURAL SECTIONS



TYPE IV PAVEMENT

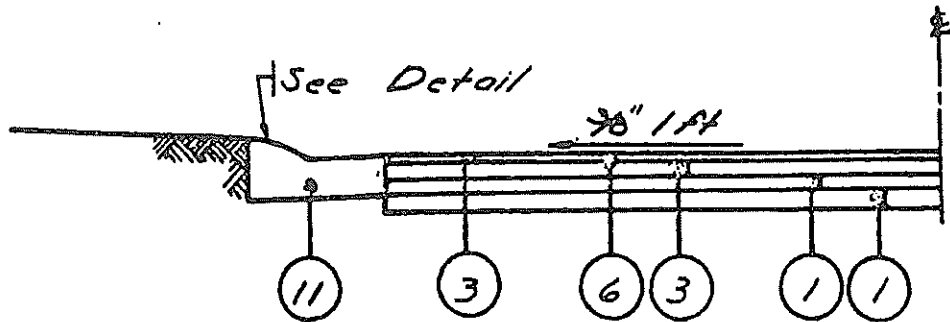


TYPE V PAVEMENT\*

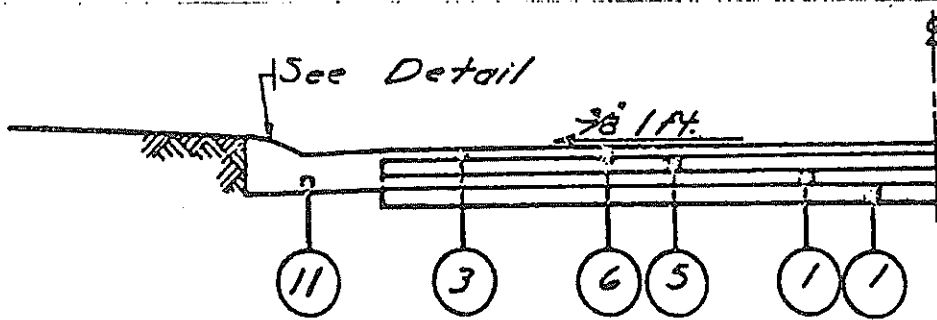
When used with Curb & Gutter the surface of 404 Surface Course to finish  $\frac{1}{2}$ " above Gutter plate.

\*The 404 Surface Course & 407 Tack Coat to be applied not less than six months after initial construction.

STANDARD STRUCTURAL SECTIONS



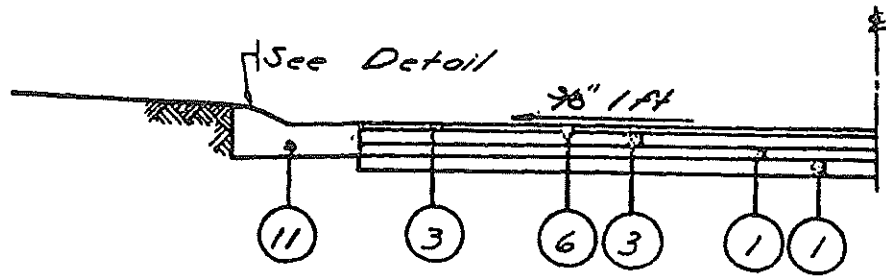
TYPE VII PAVEMENT \*



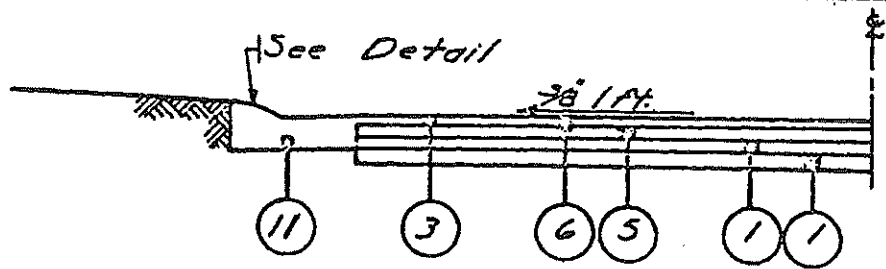
TYPE VIII PAVEMENT \*

\* See note - E-3

STANDARD STRUCTURAL SECTIONS



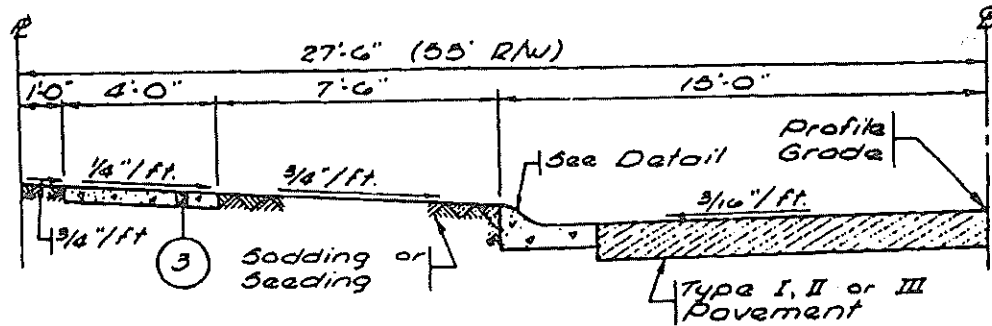
TYPE VII PAVEMENT \*



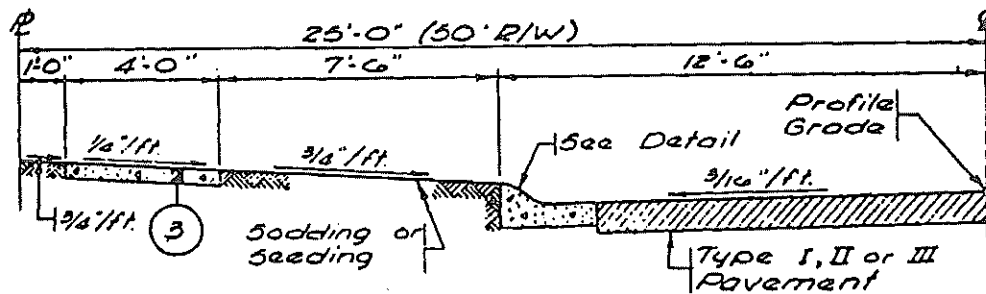
TYPE VIII PAVEMENT \*

\* See note - E.9

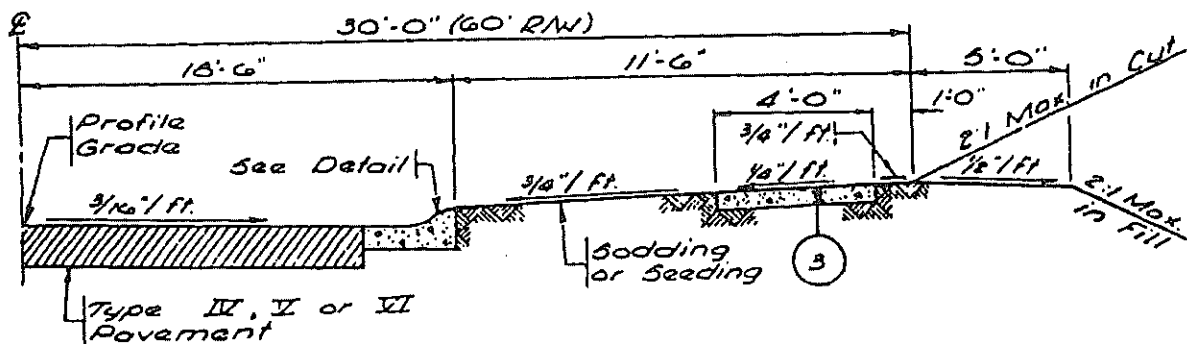
### STANDARD TYPICAL SECTIONS



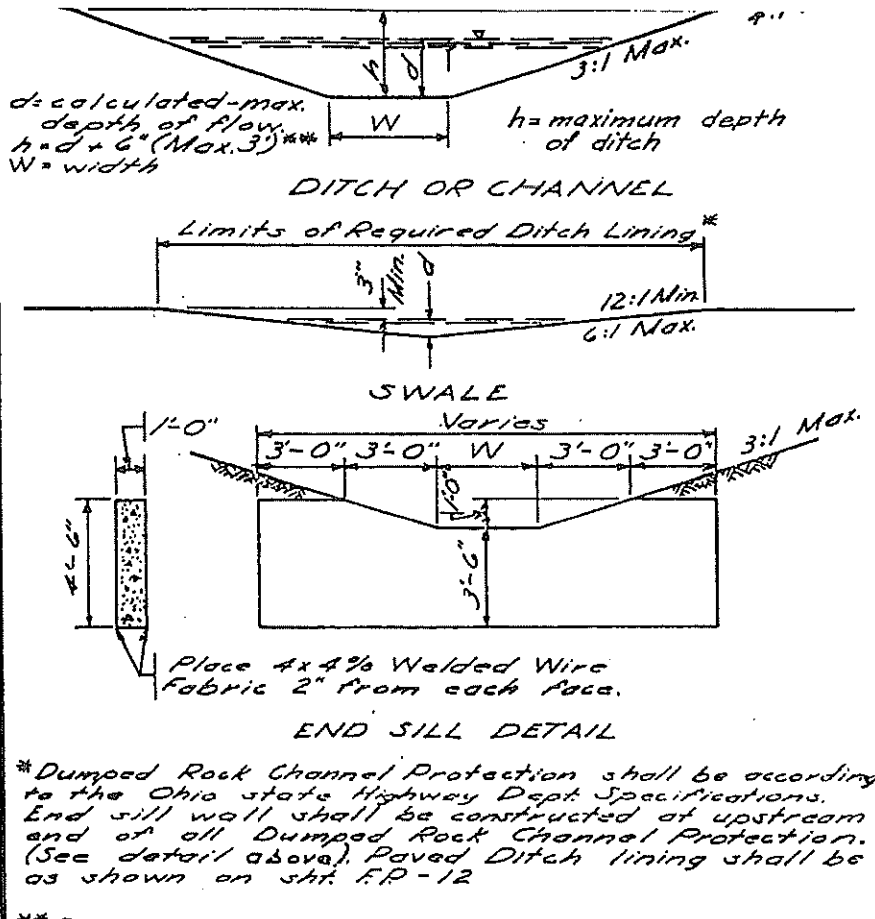
COLLECTOR STREET



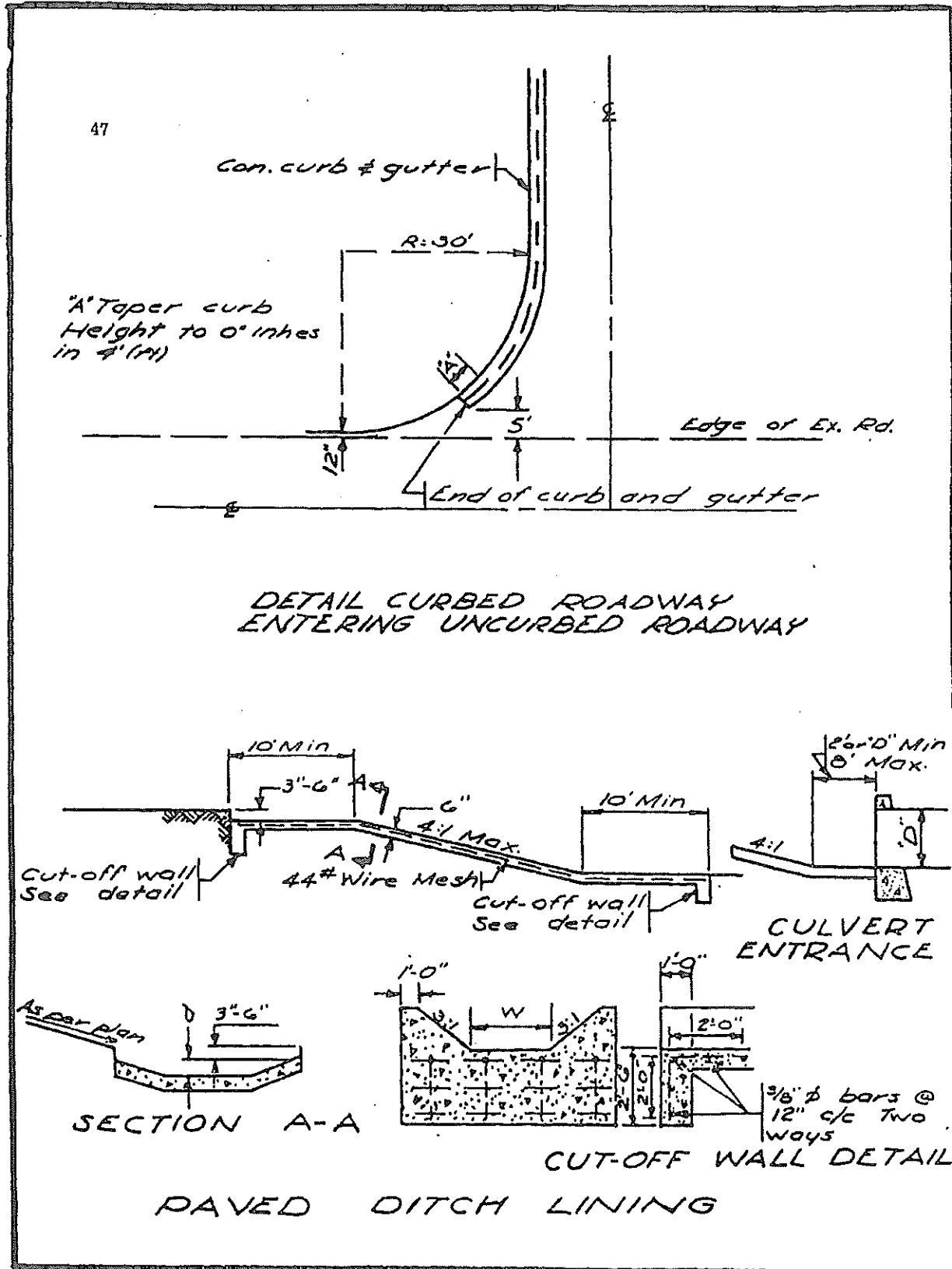
LOCAL STREET



INDUSTRIAL STREETS

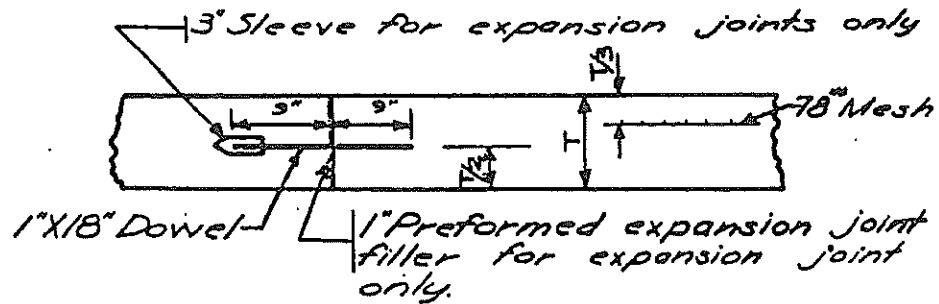




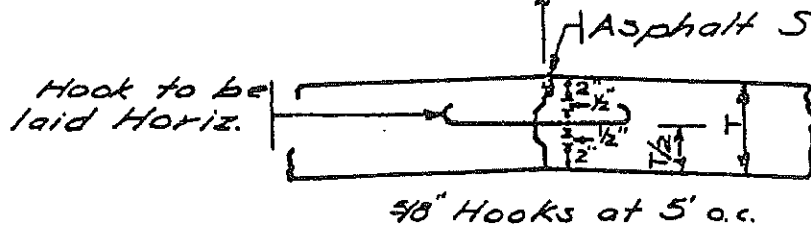


PAVEMENT JOINTS

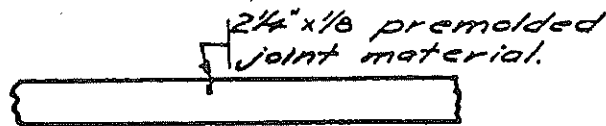
48



CONSTRUCTION JOINT (TRANSVERSE)



KEY JOINT (LONGITUDINAL)



TRANSVERSE FALSE IMPRESSED JOINT

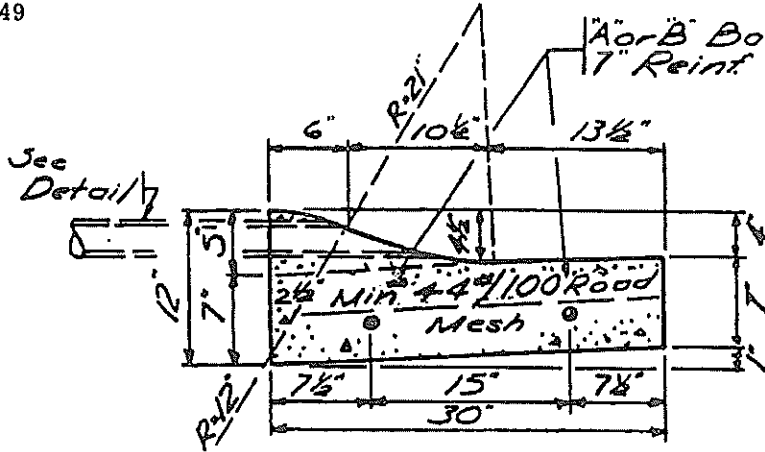
Note:

Joint Reinforcing to be "A" or "B" Dowel Bar Unit or approved State of Ohio Dowel Bar Assemblies. Expansion Joints to be placed at maximum 900' intervals and at Intersections.

Transverse False Joint to be 15' apart.

Place Standard Key Joint (Longitudinal) between all lane pours. All joints shall be sealed in accordance with Sec. 45.13 of the Ohio State Highway Specification Construction Joints to be placed at maximum intervals of 30'.

49



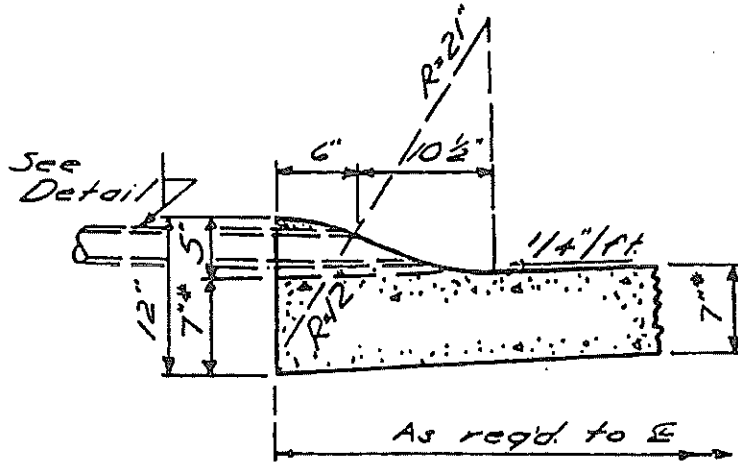
Note:

Expansion Joints required every 60 feet, Impressed Contraction Joints at 15 foot intervals between Expansion Joints. Mesh extending through Contraction Joints.

Dowel Bar Note:

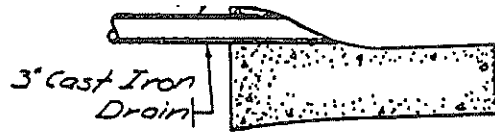
One inch nonextruding expansion joints with two dowels & sleeve or two dowel bar assemblies.

COMBINATION CURB & GUTTER  
FOR FLEXIBLE PAVEMENT



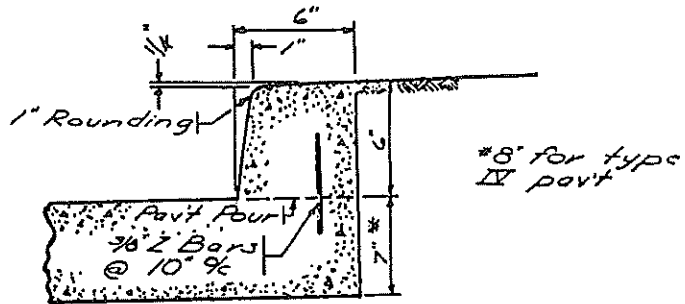
\*8 for industrial Type II Pav't.

COMBINATION CURB & GUTTER  
FOR RIGID PAVEMENT

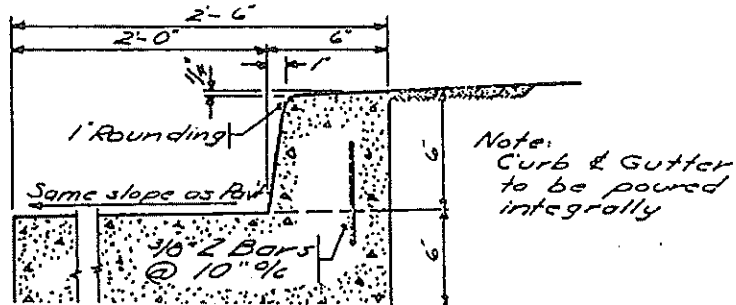


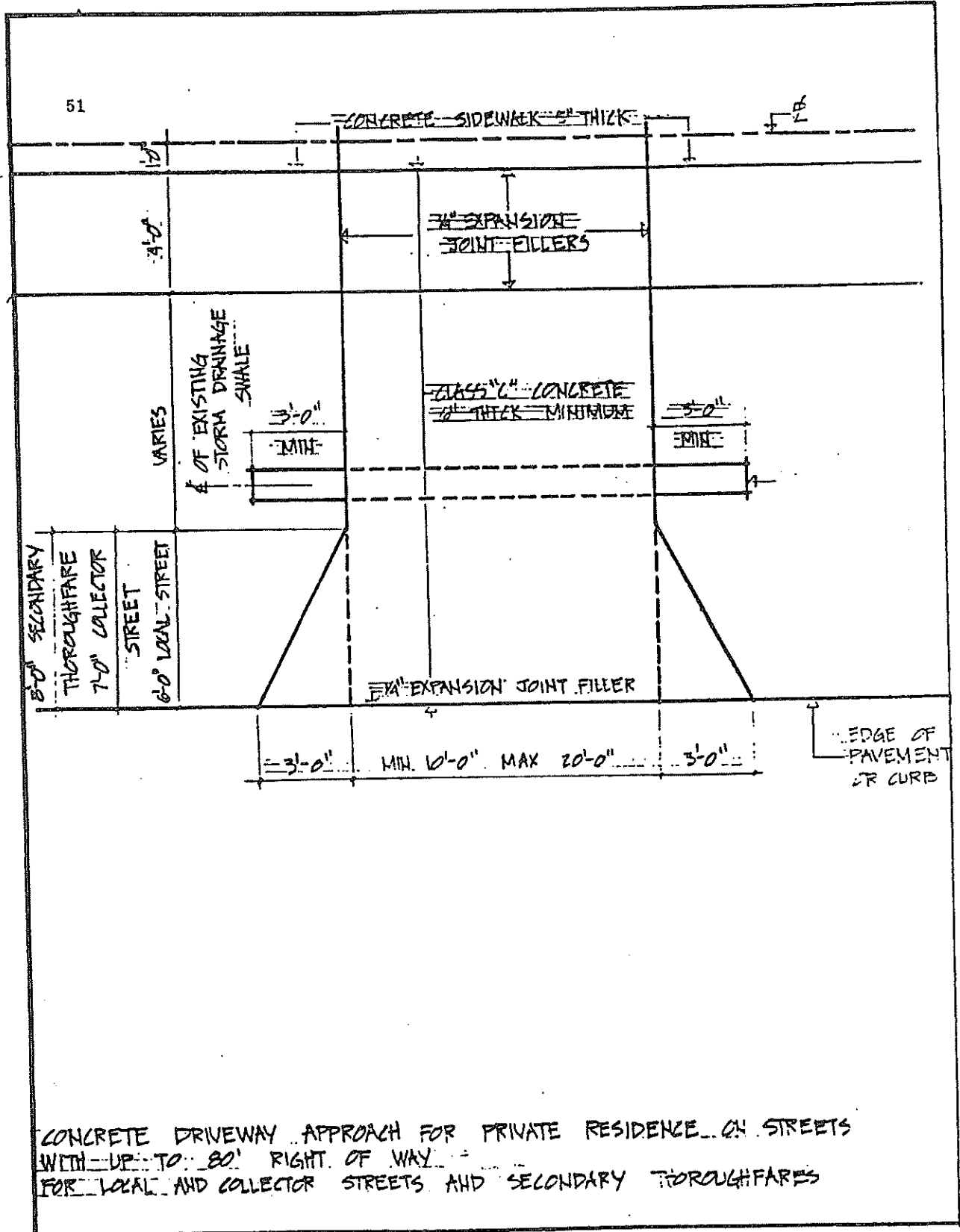
Note:  
 3" Cast iron drain may be installed at time of construction with 3" slot in curb. For installations after curb has been constructed, slot must be sawed.

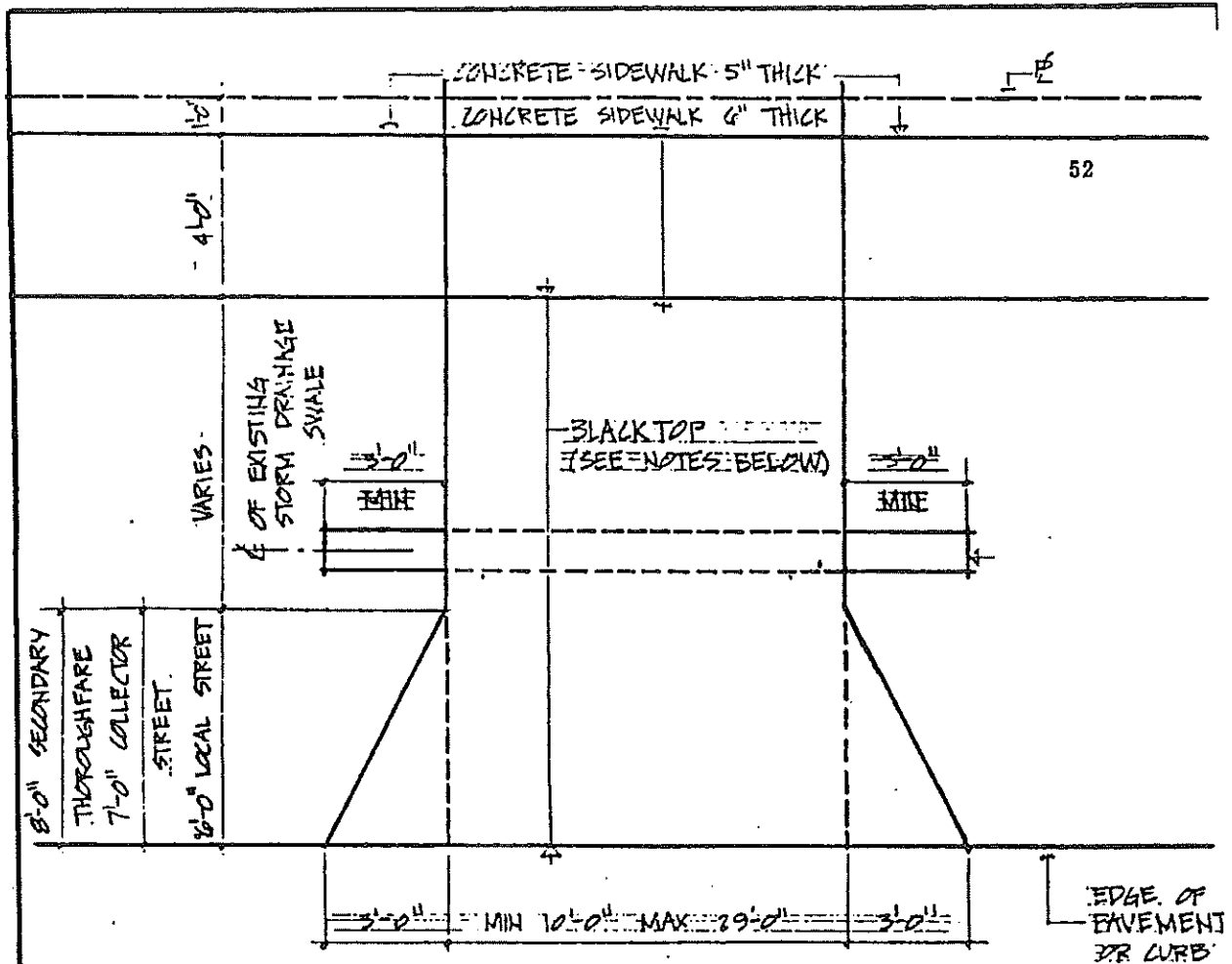
DRAIN DETAIL



For Rigid Pavement







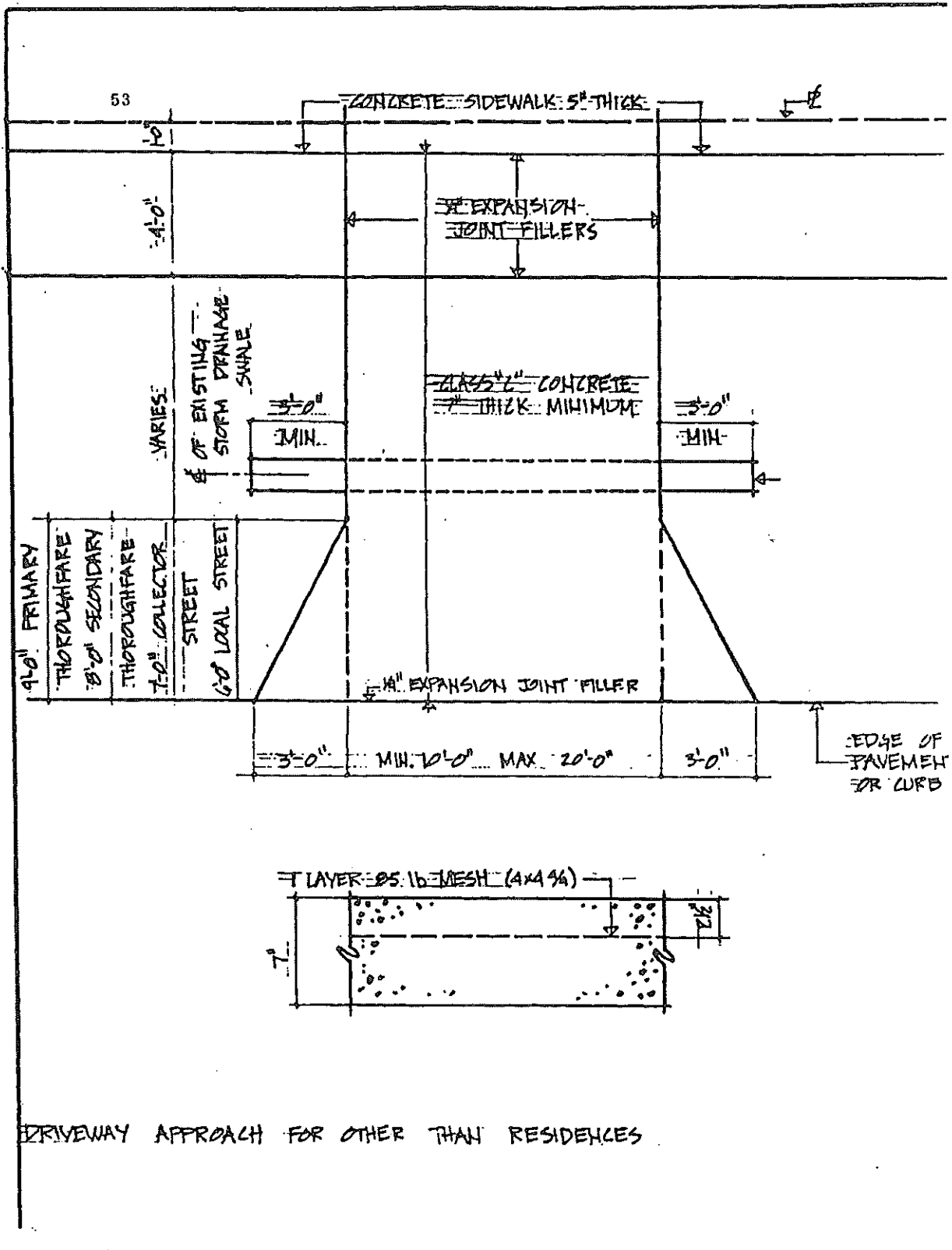
BLACKTOP PAVING TO BE IN ACCORDANCE WITH STATE OF OHIO SPECIFICATIONS AND AS FOLLOWS:

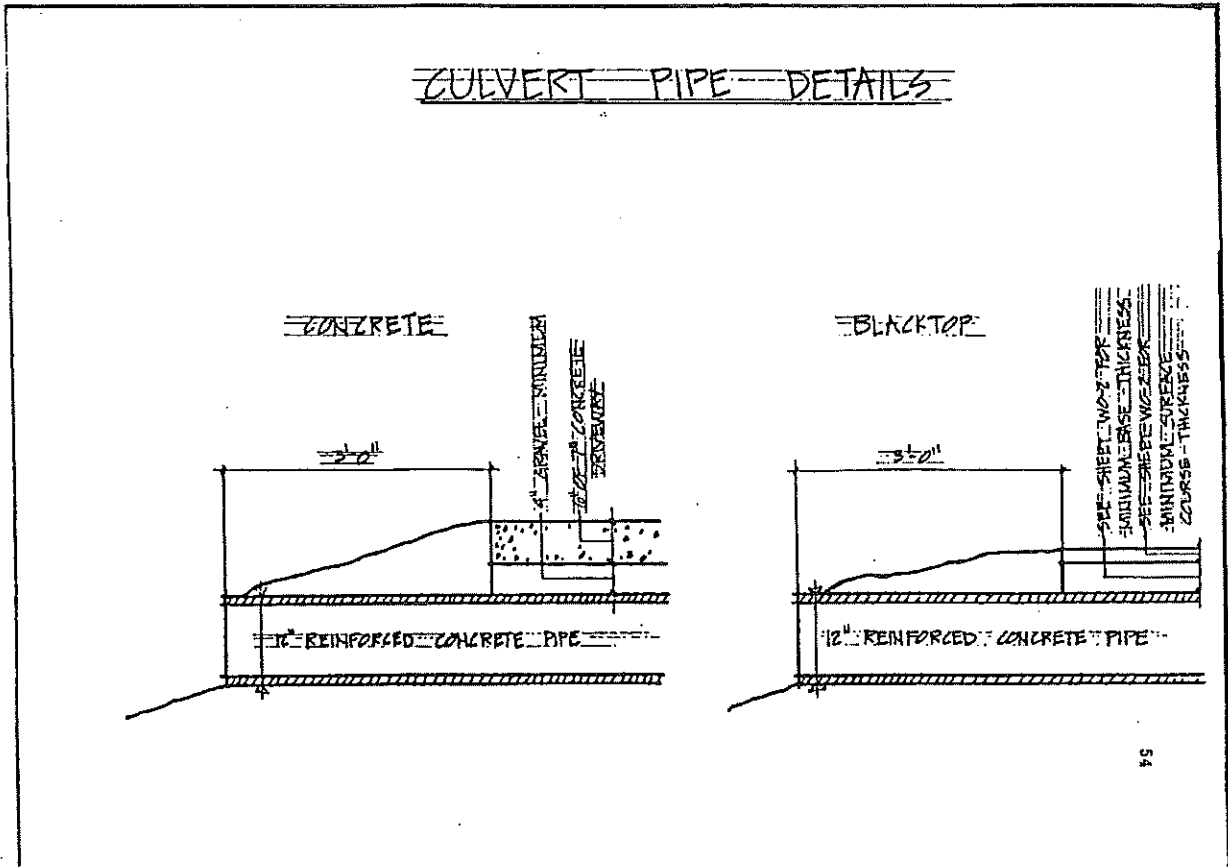
- 1. A. BASE: 4" THICK BITUMINOUS CONCRETE BASE (ITEM 301 S.O.S.)
- B. TACK COAT: 20 GALLONS PER 100 SQUARE YARDS (ITEM 407 S.O.S.)
- C. SURFACE COURSE: 2" THICK BITUMINOUS CONCRETE SURFACE COURSE (ITEM 404 S.O.S.)

OR

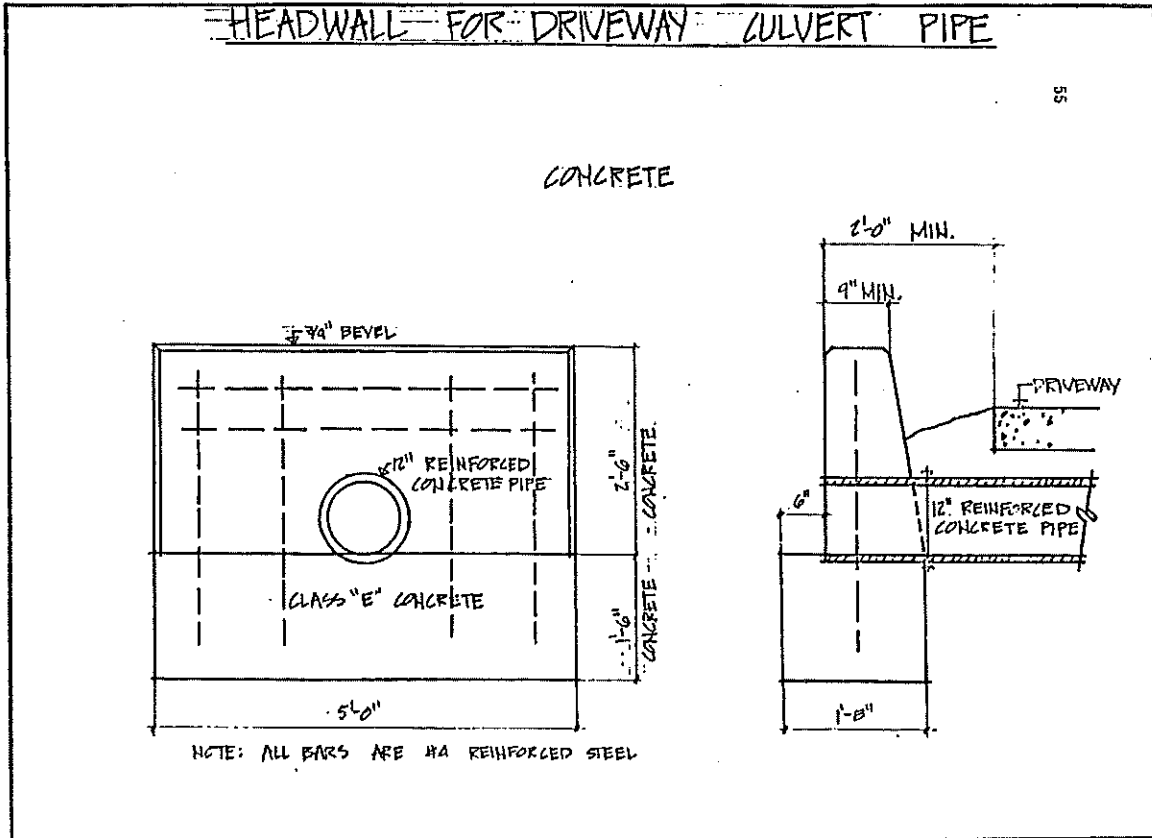
- 2. A. BASE: 6" GRAVEL BASE (ITEM 301 S.O.S.)
- B. TACK COAT: 20 GALLONS PER 100 SQUARE YARDS (ITEM 407 S.O.S.)
- C. SURFACE COURSE: 2" THICK BITUMINOUS CONCRETE SURFACE COURSE

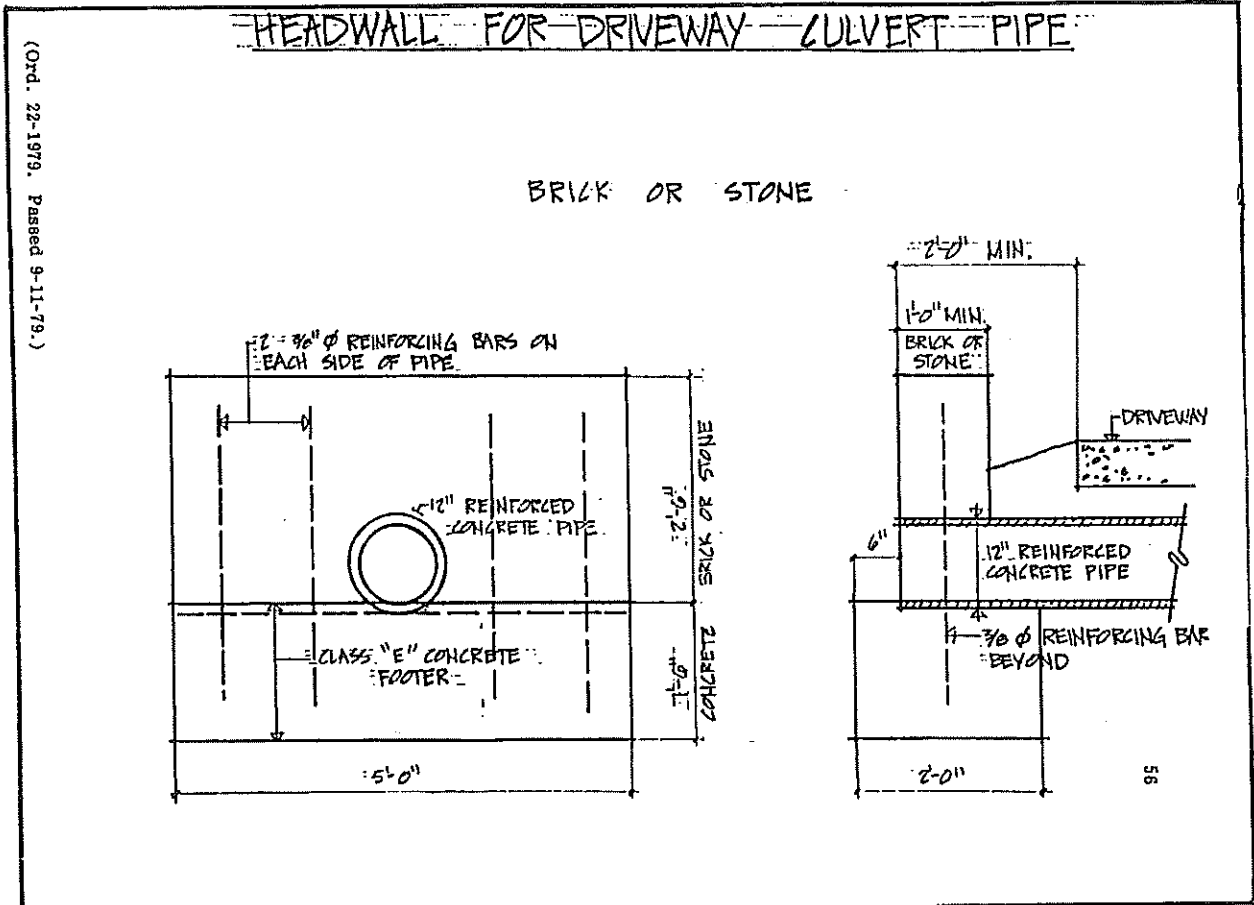
BLACKTOP DRIVEWAY APPROACH FOR PRIVATE RESIDENCE ON STREETS WITH UP TO 60' RIGHT OF WAY FOR LOCAL AND COLLECTOR STREETS AND SECONDARY THOROUGHFARES













## APPENDIX F: STREET TREE LIST

Small Trees (under 25' in tree lawns of at least 3') — under wires OK

- Acer ginnala* Amur maple
- Acer platanoides* '**Crimson Sentry**' crimson sentry Norway maple
- Acer tataricum* tartarian maple
- Acer truncatum* '**Pacific Sunset**' pacific sunset shantung maple
- Amelanchier arborea* '**Cumulus**' serviceberry
- Amelanchier canadensis* downy serviceberry
- Amelanchier x grandiflora* '**Autumn Brilliance**' autumn brilliance serviceberry
- Amelanchier x grandiflora* '**Robin Hill**' robin hill serviceberry
- Amelanchier laevis* Allegheny serviceberry
- Carpinus betulus* upright European hornbeam
- Carpinus japonica* Japanese hornbeam
- Cercis canadensis* eastern redbud
- Cercis canadensis* var. *alba* eastern redbud
- Corpus kousa* kousa dogwood
- Corpus mas* comelian-cherry dogwood
- Crataegus crusgalll* var. *Inermis* thornless cockspur hawthorn
- Crataegus x lavalley* Lavelle hawthorn
- Crataegus phaenopyrum* Washington hawthorn
- Crataegus phaenopyrum x Crataegus crusgalli* '**Vaughn**' Vaughn hawthorn
- Crataegus punctata* var. *inermis* '**Ohio Pioneer**' thornless Ohio pioneer hawthorn
- Crataegus viridis* '**Winter King**' winter king hawthorn
- Magnolia soulangiana* saucer magnolia
- Magnolia stellata* star magnolia
- Magnolia virginiana* sweet bay magnolia
- Malus* spp. flowering crabapple
  - Disease resistant cultivars: 'Ormiston Roy', 'Sentinel', 'Floribunda', 'Candymint', 'Louisa', 'and Lollipop'
  - Red flowering* 'Centurion' (red fruit-narrow upright form), 'Liset', 'Prairifire' (orange- red fruit — upright form), Indiana Magic', 'Royal Ruby', 'Adams' (red fruit-round form), 'Red Barron' (dark red fruit — narrow upright form)
  - Pink flowering* 'Strawberry Parfait', 'Velvet Pillar', 'Centennial', 'Pink Beauty', 'Radiant'
  - White flowering* 'Adirondack', Donald Wyman' (great for urban use — be sure to specify tree form, disease resistant but susceptible to fire-blight, red fruit) Excalibur, 'Holiday Gold', 'Firebird', 'Madonna', 'Sugar Tyme', 'White Angel', 'Red Jewel', 'Snowcloud', 'Spring Snow', 'White Candle', 'Baccata', 'Jackii', 'Bob White'
- Malus transitoria* '**Golden Raindrops**' crabapple
- Pyrus fauriei* '**Westwood**' Korean sun pear
- Syringe reticulata* '**Ivory Silk**' Japanese tree lilac
- Syringe pekinensis* cultivars Japanese tree lilac

Medium Trees (under 40' in tree lawns of at least 5) – over high wires OK

- Acer buergerianum* trident maple
- Acer campestre* hedge maple
- Acer griseum* paper bark maple
- Acer miyabei*
- Acer pseudoplatanus* sycamore maple
- Acer triflorum*
- Acer truncatum* `Keithsform'
- Acer truncatum x Acer platanoides* 'Norwegian Sunset' Norwegian sunset maple
- Aesculus x carnea* red horse chestnut
- Cercidiphyllum japonicum* katsura tree
- Cladrastis kentukea* yellowwood
- Eucommia ulmoides* hardy rubber tree
- Halesia carolina* Carolina silver bell
- Ilex opaca* American holly
- Koelreuteria paniculata* goldenrain tree
- Magnolia grandiflora* 'Bracken's Brown Beauty' southern magnolia
- Parrotia persica* Persian ironwood
- Phellodendron amurense* 'Macho' Amur cork tree
- Prunus x okame* okame cherry
- Prunus sargentii* sargent cherry
  - o 'Columnar Sargent Rancho'
- Prunus serrulata* Japanese flowering cherry
- Prunus subhirtella* var. *autumnalis* higan cherry
- Prunus yedoensis* yoshino cherry
- Pyrus calleryana* callery pear
  - o 'Aristocrat', ' Autumn Blaze', 'Capital', 'Cleveland Select', 'Red Spire', 'Trinity'
- Quercus marilandica* blackjack oak
- Sassafras albidum* sassafras
- Sophora japonica* 'Regent', Japanese pagoda
- Sorbus alnifolia* Korean mountain ash
- Stewartia pseudocamellia* Japanese stewardia
- Tilia cordata* little-leaf linden,
  - o 'Greenspire"Gleneven"Corinthian'
- Tilia x euchlora* Crimean linden
- Tilia heterophylla* bee tree linden
- Tilia pallida* pale leaf linden
- Tilia platyphyllos* big leaf linden
- Tilia tomentosa* sterling silver linden
  - o 'Sterling'

Large Trees (over 40' in tree lawns of at least 7') – No wires

- Acer nigrum* black maple
- Acer X freemanii* freeman maple
  - o 'Autumn Blaze', 'Celebration', `Jeffsred'
- Acer platanoides*, Norway maple
  - o 'Cleveland', 'Crimson King', 'Emerald Queen', 'Olmstead', Schwedler

## Street Tree List

- *Acer rubrum* red maple
  - 'Autumn Flame', 'October Glory', 'Red Sunset', 'Autumn Radiance', 'Karpick', 'Northwood'
- *Acer saccharum* sugar maple
  - 'Goldspire', 'Green Mountain' 'Commemoration'
- *Acer trunatum X platanoides* 'Warrensred' sunset maple
- *Betula nigra* 'Heritage' river birch
- *Cladrastis lutea*, also 'Perkins Pink' American yellowwood
- *Corylus avellana* European filbert
- *Corylus colurna*, Turkish filbert
- *Ginkgo biloba*, ginkgo or maidenhair (male only)
  - 'Fairmont', 'Lakeview', 'Mayfield', 'Palo Alto', 'Princeton Sentry', 'Sinclair', 'Autumn Gold'
- *Gleditsia triacanthos* var. *inermis*, thornless honeylocust
  - 'Skyline', 'Imperial', 'Shademaster'
- *Gymnocladus dioicus*, Kentucky coffee tree
- *Larix decidua* European larch
- *Larix kaempferi* Japanese larch
- *Liriodendron tulipifera* tulip tree
- *Liquidambar styraciflua* sweet gum
  - 'Moraine', 'Rotundiloba' (and/or 'Rotundifolia')
- *Magnolia acuminata* cucumber tree
- *Metasequoia glyptostroboides* dawn redwood
- *Nyssa sylvatica* black gum
- *Platanus x acerfolia* London plane
  - 'Bloodgood'
- *Platanus occidentalis* American sycamore
- *Quercus acutissima* saw tooth oak
- *Quercus alba* white oak
- *Quercus bicolor* swamp white oak
- *Quercus coccinea* scarlet oak
- *Quercus ellipsoidalis* northern pin oak
- *Quercus falcata* southern red oak
- *Quercus frainetto* 'Schmidt' forest green oak
- *Quercus gambelii* gamble oak
- *Quercus imbricaria* shingle oak
- *Quercus lyrata* over cup oak
- *Quercus macrocarpa* bur oak
- *Quercus muehlenbergii* Chinkapin oak
- *Quercus michauxii* swamp chestnut oak
- *Quercus phellos* willow oak
- *Quercus prinus* chestnut oak
- *Quercus robur* English oak
- *Quercus robur x bicolor* 'Long' regal prince oak
- *Quercus rubra* red oak
- *Quercus stellata* post oak
- *Quercus shumardii* shumard oak
- *Quercus velutina* black oak

- *Taxodium distichum* bald cypress
- *Tilia americana* American linden
  - 'Sentry' 'Wendell'
- *Tilia americana X euchlora* 'Redmond' Redmond linden
- *Ulmus americana* American elm
  - 'Princeton', 'Commendation', 'Triumph', 'New Horizon' 'New Harmony'
  - 'Valley Forge', 'Frontier', 'Homestead', 'Pioneer'
- *Ulmus carpinifolia* English elm
- *Ulmus japonica X wilsoniana* 'Morton' accolade elm
- *Ulmus parvifolia* lacebark elm
- *Zelkova serrata* 'Green Vase', Japanese zelkova

(Ord. 25-2007, passed - -2007)

**TITLE SIX: ZONING**  
**CHAPTER 1252: GENERAL PROVISIONS**

Section

1252.01 Purpose and scope.

1252.02 Short title.

1252.03 Interpretation and conflicts.

1252.04 Compliance required.

1252.05 Application to existing construction.

1252.06 Separability.

1252.07 Grandfathering.

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**§ 1252.01 PURPOSE AND SCOPE.**

This Zoning Code is enacted in accordance with a comprehensive plan for the purpose of promoting the public health, safety, convenience and general welfare. This Zoning Code contains provisions for establishing land use classifications; dividing the Municipality into districts; imposing regulations, restrictions and prohibitions upon the land use and occupancy of real property; limiting the height, area and bulk of buildings and the space around them; establishing standards of performance and design; and providing for the administration and enforcement of this Zoning Code.

(Ord. 17-2013, passed 9-24-2013)

**§ 1252.02 SHORT TITLE.**

These regulations shall be known as and may be cited as the Zoning Ordinance of Woodlawn, Ohio, the Land Use Regulations of Woodlawn, Ohio or the Zoning Code.

(Ord. 17-2013, passed 9-24-2013)

**§ 1252.03 INTERPRETATION AND CONFLICTS.**

In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements. Wherever this Zoning Code

imposes a greater restriction than is imposed or required by other rules, regulations or ordinances applicable to Woodlawn, this Zoning Code shall govern.

(Ord. 17-2013, passed 9-24-2013)

**§ 1252.04 COMPLIANCE REQUIRED.**

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building, part thereof or other structure shall be located, erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in this Zoning Code for the district in which it is located. Such regulations include, but are not limited to, the use of the building, structure or land, including performance standards for the control of any dangerous and objectionable elements in connection with such use; the height, size and dimensions of buildings or structures; the size or dimensions of lots, yards and other open spaces surrounding buildings; and the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

(Ord. 17-2013, passed 9-24-2013)

**§ 1252.05 APPLICATION TO EXISTING CONSTRUCTION.**

Nothing in this Zoning Code shall require any change in the overall layout, plans, construction, size



or designated use of any development, building, structure or part thereof for which official approval and required building permits have been granted before the enactment of this Zoning Code provided that the use, building or structure is legally conforming prior to the enactment of this Zoning Code or any subsequent amendments that may occur. (Ord. 17-2013, passed 9-24-2013)

**§ 1252.06 SEPARABILITY.**

This Zoning Code and the various chapters, sections and paragraphs hereof are hereby declared to be severable. If any chapter, section, subsection, paragraph, sentence or phrase of this Zoning Code is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Zoning Code shall not be affected thereby. (Ord. 17-2013, passed 9-24-2013)

**§ 1252.07 GRANDFATHERING.**

Any use which legally exists at the time of the adoption of this Zoning Code shall be permitted to continue to exist as it currently operates and shall be considered "grandfathered" under the regulations of this Zoning Code. These uses shall be regulated under Chapter 1298, Nonconformities. (Ord. 17-2013, passed 9-24-2013)

## CHAPTER 1253: DEFINITIONS

### Section

#### 1253.01 Definitions.

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#### § 1253.01 DEFINITIONS.

As used in this Zoning Code, "building" includes "structure," "used" includes "arranged, designed, constructed, altered, converted, rented or leased" or "intended to be used," and "shall" is mandatory, not directory. In addition, unless the context indicates a different meaning, the following words and terms shall be defined as used in this Zoning Code:

(1) Accessory structure. "Accessory structure" means a structure detached from the principal structure, located on the same lot and customarily incidental and subordinate to the principal structure.

(2) Accessory use. "Accessory use" means a use, located on the same lot and customarily incidental and subordinate to the principal use.

(3) Alley or lane. "Alley or lane" means a public or private way, not more than 20 feet wide, affording only secondary means of access to abutting property.

(4) Animal hospital or veterinarian clinic. "Animal hospital or veterinarian clinic" means a building used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits and birds by a veterinarian.

(5) Apartment. "Apartment" means a suite of rooms or a room in a multi-family building arranged and intended as a place of residence for a single family or group of individuals living together as a single housekeeping unit.

(6) Apartment house. See "Dwelling, multi-family".

(7) Applicant. "Applicant" means the owner of real estate or an appointed agent of the owner, who makes application to the Municipality of Woodlawn for action by the Planning Commission or Board of Zoning Appeals.

(8) Assisted living facility. "Assisted living facility" means a residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.

(9) Automobile or trailer sales area. "Automobile or trailer sales area" means an open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

(10) Automobile repair, major. "Major automobile repair" means the general repair, rebuilding or reconditioning of engines, motor vehicles (one and one-half tons and under) or trailers; collision services, including body, frame or fender straightening or repair; overall painting or a paint shop; vehicle steam cleaning; and any repairs defined in "Automobile repair, minor."

(11) Automobile repair, minor. "Minor automobile repair" means incidental body or fender

(12) Automobile wash or automatic car wash. "Automobile wash" or "automatic car wash" means a building or structure where chain conveyors, blowers, steam cleaners, spray wands or hoses, and other mechanical devices are employed for the purpose of washing motor vehicles.

(13) Automobile wrecking. "Automobile wrecking" means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially demolished or dismantled, obsolete or wrecked vehicles or their parts.

(14) Bar or tavern. "Bar or tavern" means an establishment, licensed by the State of Ohio, serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises. This use includes cocktail lounges.

(15) Basement. "Basement" means a story whose floor is more than 12 inches but not more than half of its story height below the average level of the adjoining ground (as distinguished from a cellar, which is a story more than one-half below such level).

(16) Bed and breakfast establishment. "Bed and breakfast" is any owner occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, is provided for compensation.

(17) Beginning of construction. "Beginning of construction" means the incorporation of labor and material inside or outside of the walls of the building or the removal or grading of topsoil on a site, whichever is performed first.

(18) Billboard or signboard. See "Sign, Billboard".

(19) Block. "Block" means, in describing the boundaries of a district, the legal description. In all other cases, "block" means the frontage abutting on one side of a street between two intersecting streets,

or between an intersecting street and a railroad right-of-way, watercourse, cul-de-sac or end of the street.

(20) Board. "Board" means the, Board of Zoning Appeals.

(21) Buffer or bufferyard. "Buffer or bufferyard" means an area of healthy and viable vegetation, natural or planted, adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of the land use. No part of this buffer is to be used for active recreation, parking, or interior access drives. A buffer may include a wall, fence or berm, connecting driveways, underground utilities and permitted signage as provided in accordance with the provisions of Chapter 1295 or any other related chapter.

(22) Buffer, boundary. "Boundary buffer" means a linear area adjacent to the side and/or rear property line that is set aside to separate, screen, and soften the detrimental impacts of different uses or intensities upon one another and upon the surrounding neighborhood.

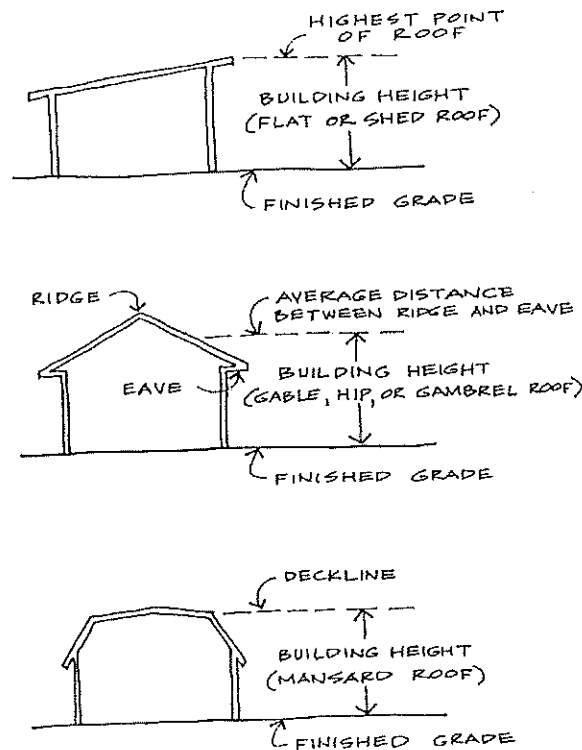
(23) Buffer, streetscape. "Streetscape buffer" means a linear area adjacent to the front property line extending from side lot-line to side lot-line that is set aside to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles, lights and other clutter along the public right-of-way.

(24) Building. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unopened, continuous walls extending from the ground up, each part is deemed to be a separate

building for the purpose of this Zoning Code, except with regard to minimum side yard requirements as provided in this Zoning Code.

(25) Building, height of. "Height of building" means the vertical distance from the average finished

grade at the front wall of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs excluding chimneys, vent pipes, lightning rods, crestings and antennae not regulated herein.



### Building Height

(26) Building inspection. "Building inspection" means an examination of a new or existing building by an authorized building official or fire official for the purpose of determining the compliance of such structure with applicable building and fire codes.

(27) Building Inspector. See "Municipal Building Commissioner".

(28) Building line. See "Setback line".

(29) Building lot area. "Building lot area" means the part of the lot not included within the open areas required by this Zoning Code.

(30) Bulk storage or display. "Bulk storage or display" shall mean the display of two or more items which are identical or nearly identical examples of which would include but are not limited to raw materials, firewood, mulch, fertilizer, building materials, building maintenance products, packaged food products, soft drinks, salt products, furniture and

household goods, statuary and other manufactured concrete products, and like items.

(31) Cellar. "Cellar" means a story, the floor of which is more than one-half of its story height below the average grade level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if it is used for dwelling purposes by other than a janitor or caretaker employed on the premises.

(32) Cemetery. "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

(33) Child day care. "Child day care", as defined by Ohio R.C. § 5104.01, child day care means:

A. "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to 12 children at one time or a permanent residence of the administrator in which child care is provided for four to 12 children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp.

B. "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp.

(34) Clinic. "Clinic" means a licensed medical or dental facility in the State of Ohio used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons who are not provided with board or room or kept overnight on the premises.

(35) Club. "Club" means a non-profit association of persons who are bona fide members that are organized for some common purpose or belief. Clubs shall exclude religious places of worship or groups organized solely or primarily to render a service customarily carried on as a commercial enterprise.

(36) Commercial communication antenna. "Commercial communication antenna" means a tower, pole or other similar device, erected on the ground or roof top, for the purpose of transmitting or receiving radio, micro, cellular, or other electromagnetic waves between terrestrially and/or orbitally based uses.

(37) Commercial entertainment. "Commercial entertainment" means a facility for any profit-making activity which is generally related to spectator entertainment such as motion picture theaters, stadiums, arenas, concert halls, and theaters for live performance.

(38) Commission. "Commission" means the Planning Commission.

(39) Condominium. "Condominium" means an arrangement under which a tenant in a building or complex of buildings holds full title to an individual unit and joint ownership in the common grounds.

(40) Convalescent home. "Convalescent home" means a building or group of buildings, public or private, which provides personal care or nursing to ill, physically infirm or aged persons who are not related by blood or marriage to the operator, after they leave the hospital but before they are released from observation and treatment.

(41) Convenience retail. See "Retail, convenience".

(42) Council. "Council" means Council of Woodlawn.

(43) Court. "Court" means an open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which space is enclosed on three or more sides by the buildings.

(44) Density. "Density" means the number of dwelling units per acre of land.

(45) Dental clinic. See "Clinic".

(46) Development and research facility. "Development and research facility" means an establishment in which scientific research, investigation, prototype development and process development, testing or experimentation is conducted, excluding the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

(47) Display sign. See "Sign, display."

(48) Distribution center. "Distribution center" means a facility engaged in the receipt, storage and distribution of goods, products, cargo and materials and where the goods, products, cargo or materials are stored in the facility for a period of not more than seven days.

(49) District. "District" means a portion of the Municipality within which certain uniform regulations and requirements or various combinations thereof apply under this Zoning Code.

(50) District, overlay. "Overlay district" means a district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying zoning district regulations.

(51) Drive-in or drive-through facility. "Drive-in or drive-through facility" means any portion of a building or structures from which business is transacted, or is capable of being transacted, directly

with customers located in a motor vehicle during such business transactions.

(52) Driveway. "Driveway" means a private improved way providing access for vehicles from a road or alley to a garage, carport or dwelling that may also be used for off-street parking for vehicles for the dwelling occupants.

(53) Dwelling. "Dwelling" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, house trailer, mobile home, boarding house, hotel or motel.

(54) Dwelling group. "Dwelling group" means a group of two or more detached buildings located on a parcel of land in one ownership and having a yard or court in common.

(55) Dwelling, attached. "Attached dwelling" means single-family dwelling attached to two or more one-family dwellings by common vertical walls, with each dwelling located on a separate lot. This type of use can include, but not be limited to: townhouses, row houses, condominiums, patio homes or other types of zero lot line dwellings.

(56) Dwelling, multi-family. "Multi-family dwelling" means a building or portion thereof designed for or used by three or more families or housekeeping units.

(57) Dwelling, secondary. "Secondary dwelling" means the addition of a second independent dwelling, attached or detached to the primary single-family dwelling, housing a relative related by blood or marriage on the same lot.

(58) Dwelling, single-family detached. "Single-family detached dwelling" means a building designed or used exclusively for residence purposes by one family or housekeeping unit, each dwelling being separated by open space or yards.

(59) Dwelling, two-family. "Two-family dwelling" means a building designed for or used

exclusively by two families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.

(60) Dwelling unit. "Dwelling unit" means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having at least one kitchen or kitchenette and at least one bathroom for the exclusive use of the occupying family.

(61) Educational Institution. "Educational institution" means a public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and technical, vocational and collegiate level courses. For the purposes of this Zoning Code, a home school is not considered an educational institution.

(62) Essential services. "Essential services" means the erection, construction, alteration or maintenance, by public utilities or Municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals and hydrants; and other similar equipment and accessory items in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or Municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings.

(63) Family. "Family" means one or more individuals occupying a dwelling and living as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability.

(64) Fence. "Fence" means a man-made barrier or divider intended to prevent escape or intrusion, to mark a boundary or to enclose an area. Such a barrier or divider usually consists of posts and wire or boards as its principal components.

(65) Financial institution. "Financial institution" means any building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions and mortgage companies that are FDIC or NCUA insured. Check cashing, payday loan businesses or similar type facilities are not considered financial institutions.

(66) Floor area. "Floor area" means the sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.

(67) Frontage. "Frontage" means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage. Where a lot abuts more than one street, the Board of Zoning Appeals shall determine the frontage for purposes of this Zoning Code.

(68) Frontage, where measured. The frontage of a lot shall be measured along the front property line, but may be modified in the case of a curvilinear street.

(69) Funeral home. "Funeral home" means any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

(70) Garage, private. "Private garage" means a detached accessory building or a portion of the principal building used only for the storage of passenger vehicles or other personal property owned by the family or families' resident upon the premises. A carport shall be construed to be a private garage.

(71) Garage, public. "Public garage" means a structure or portion thereof, other than a private garage, used for the temporary storage of motor vehicles or trailers which are accessory to a principally permitted use located on the same lot.

(72) Garden center or greenhouse. "Garden center or greenhouse" means a building whose roof and sides are made largely of glass or other transparent or translucent materials in which the temperature and humidity can be regulated for the cultivation of plant material for subsequent sale or for personal enjoyment. Retail sales of merchandise relating to lawn and gardening may also occur including the sale of seeds, grass seed, fertilizer, mulch, landscape stone, topsoil, straw and trees.

(73) Group home. "Group home" means any residential facility, licensed by the State of Ohio, designed to allow not more than eight persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregative activity in a non-institutional environment as regulated by Ohio R.C. Chapters 3722 and 5123.

(74) Hedge. "Hedge" means a growth of shrubbery planted to function as a boundary or fence.

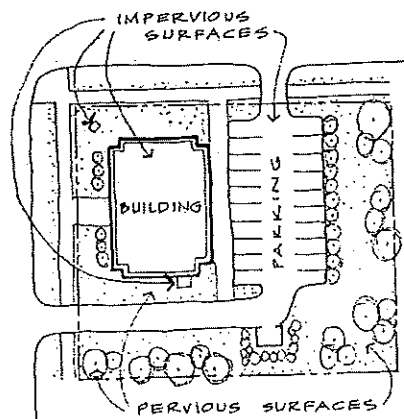
(75) Home occupation. "Home occupation" means any occupation which is customarily incidental to the principal use of the premises and is conducted

by a resident occupant that does not alter the exterior of the property or affect the residential character of the neighborhood.

(76) Hospital. "Hospital" means a building or portion thereof used for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

(77) Hotel. "Hotel" means a facility offering lodging accommodations, in individual rooms accessed through an interior corridor, on a daily rate to the public where additional accessory services such as restaurants, meeting rooms and fitness facilities may be an integral part of the facility.

(78) Impervious surface. "Impervious surface" means any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities.



### Impervious Surface

(79) Impervious surface ratio. "Impervious surface ratio" means a measure of the intensity of land use that is determined by dividing the total area of all

impervious surfaces on the site by the total area of the site or lot.



(80) Industry. "Industry" means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity for a commercial use.

(81) Industrial use. "Industrial use" means the assembly, fabrication or processing of goods and materials; or any operation or facility including buildings, equipment structures, or stationary items used for industrial purposes.

(82) Industrial use, light. "Light industrial use" means the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot which such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25% of the floor area of all buildings on the property. "Light industrial" shall not include hazardous materials treatment and storage facilities, agricultural industries, plating or enameling, pilot plants, prototype production plants, abattoirs, tanning and fur finishing, or petroleum and gas refining.

(83) Kennel. "Kennel" means any lot or premises on which three or more dogs or cats, or any combination thereof, are housed, groomed, bred, boarded, trained or sold, or which offers provision for

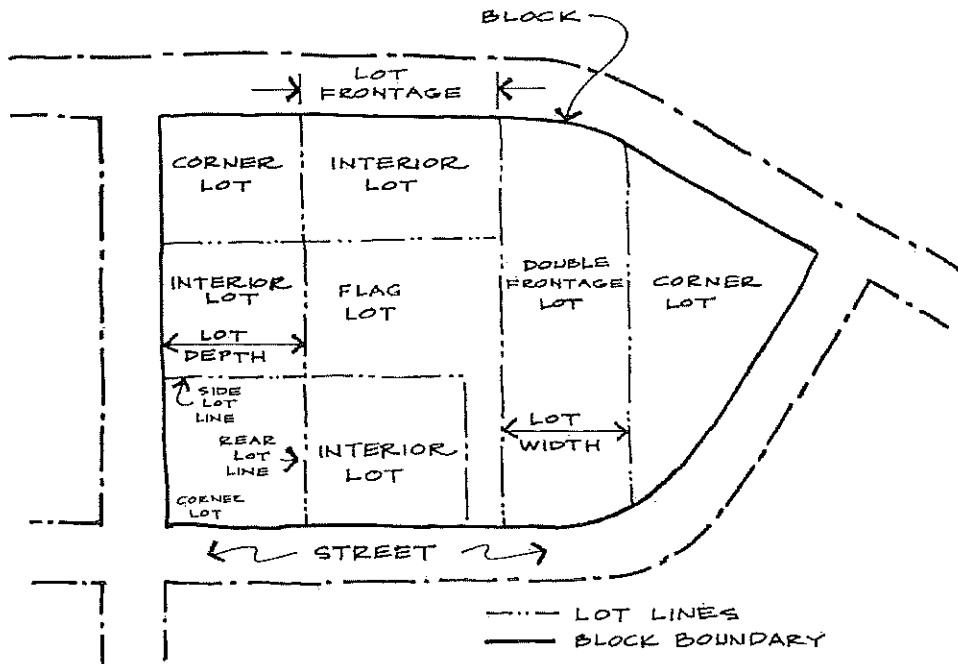
minor medical treatment, with the exception that a newborn unweaned litter of dogs and/or cats shall not be counted among the maximum amount of dogs or cats permitted in this paragraph.

(84) Kitchen. "Kitchen" means any room in a building or dwelling unit, which is used for cooking or the preparation of food.

(85) Living space. "Living space" means the space or spaces used or intended to be used for living, sleeping, eating or cooking, or a combination thereof, but not including bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility rooms, basement recreation rooms and similar spaces.

(86) Loading space. "Loading space" means an off-street space or berth on the same lot with a building it is providing service to, or contiguous to a group of buildings for the temporary parking of a vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

(87) Lot. "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or by a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this Zoning Code, and having a frontage on a public street that has been improved, dedicated and officially accepted by the Municipality.



### Lot(s)

(87) Lot area. "Lot area" means the computed area contained within the lot lines.

(88) Lot, corner. "Corner lot" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 130 degrees. The point of intersection of the street lines is the corner. In all residential districts, a corner lot shall have two front yards.

(89) Lot depth. "Lot depth," means the mean horizontal distance between the front and rear lot lines.

(90) Lot, interior. "Interior lot" means a lot other than a corner lot.

(91) Lot line. "Lot line," means the property lines bounding the lot.

(92) Lot line, front. "Front lot line" means the line separating the lot from the street on which it fronts.

(93) Lot line, rear. "Rear lot line" means the lot line opposite and most distant from the front lot line.

(94) Lot line, side. "Side lot line" means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

(95) Lot line, street or alley. "Street or alley lot line" means a lot line separating the lot from a street or alley.

(96) Lot, flag (panhandle or dogleg). "Flag lot" (panhandle lot or dogleg lot) means a lot, being otherwise landlocked, having a portion of its area included in a narrow neck or peninsula extending to a

frontage, usually for the purpose of providing private access into it.

(97) Lot, through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets. Such lot shall have two front yards and no rear yard.

(98) Lot width. "Lot width," means the mean width of the lot measured at right angles to its depth.

(99) Marijuana. "Marijuana" means marijuana as defined by R.C. § 3719.01.

(100) Master Plan. "Master Plan" means the long-range plan for the desirable use of land in Woodlawn, as officially adopted and as amended from time to time by the Planning Commission. The purpose of such Plan is, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes, such as streets, parks, schools and public buildings.

(101) Manufacturing. "Manufacturing" means the process of making or fabricating raw materials by hand, machinery or the combination thereof into finished parts or products.

(102) Medical clinic. See "Clinic".

(103) Medical marijuana. "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(104) Medical marijuana cultivation facility. "Medical marijuana cultivation facility" means a facility at which medical marijuana is grown, harvested, packaged, and/or transported as authorized by R.C. Chapter 3796.

(105) Medical marijuana dispensary. "Medical marijuana dispensary" means an establishment that sells medical marijuana as authorized by R.C. Chapter 3796.

(106) Medical marijuana processing facility. "Medical marijuana processing facility" means a facility at which medical marijuana products are processed as authorized by R.C. Chapter 3796.

(107) Meeting or banquet hall. "Meeting or banquet hall" means a facility available for lease by private parties that may or may not include food and beverage service.

(108) Motel or motor hotel. "Motel" or "motor hotel" means a facility offering lodging accommodations, in individual rooms accessed from the parking area, on a daily rate to the public where additional accessory services such as restaurants, meeting rooms and fitness facilities may be an integral part of the facility.

(109) Motor vehicle filling station. "Motor vehicle filling station" means a building or other structure on a tract of land, used for the retail sale of gasoline or other motor vehicle fuels and oil for vehicles using the same fuel or lubrication. The sale of convenience goods, such as prepackaged foods and drinks, and sundries, may be permitted as an accessory use.

(110) Motor vehicle service station. "Motor vehicle service station" means a building or other structure on a tract of land where the following activities are permitted: dispensing oil, grease, antifreeze, tires, batteries and automobile accessories directly to users of motor vehicles, tuning engines, repairing wheels and brakes, waxing, polishing and other minor servicing and repair to the extent of the installation of the items enumerated in this paragraph. All other activities shall be prohibited, including, but not limited to, upholstering work, auto glass work, painting, welding, tire recapping, auto dismantling and auto sales.

(111) Nonconforming building. "Nonconforming building" means a building, structure or premises legally existing and/or used at the time of adoption of this Zoning Code (Ordinance 17-2013, passed 9-24-2013), or any amendment thereto, and which does not conform with the use regulations of the district in which it is located. Any such building,

structure or premises conforming in respect to use but not in respect to height, area, yards, courts or distance requirements from more restricted districts or uses shall not be considered a nonconforming use.

(112) Nonconforming lot. "Nonconforming lot" means a lot which was lawfully created at the time of adoption of this Zoning Code (Ordinance 17-2013, passed 9-24-2013), but which does not conform to the minimum requirements specified for the zone in which it is located.

(113) Nonconforming use. "Nonconforming use" means any building or land lawfully occupied by a land use at the time of the adoption of this Zoning Code, or subsequent amendments thereto, which no longer conforms with the permitted uses or regulations of the district in which it is situated.

(114) Nursing home. "Nursing home" means a privately operated place of domicile or other facility, licensed by the State of Ohio, which offers skilled nursing and dietary care for persons who are ill or incapacitated, or service for the rehabilitation of persons who are convalescing from illness or incapacitation. See definition for Convalescent (rest home).

(115) Office, professional, administrative or business. "Professional, administrative or business office" means a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

(116) Open space. "Open space" means land used for resource protection, recreation, amenity and/or buffers.

(117) Outdoor display. "Outdoor display" means an area of designated size, located on the outside of a building or structure, used for the display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the property where the merchandise is displayed.

(118) Outdoor storage. "Outdoor storage" means the keeping, in an unenclosed area, of personal or business property, goods, junk, wares, or merchandise that relate to the use of the lot but are not located in that specific spot for customer viewing or immediate sale (see "outdoor display"), in the same place, for a period of more than 24 hours. See also "bulk storage or display".

(119) Parcel. "Parcel" means any quantity of land and water capable of being described with such specificity that its location and boundaries may be established as distinct from other parcels which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

(120) Park. "Park" means any land owned by a public agency and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

(121) Parking area, private. "Private parking area" means an open area for the same uses as a private garage.

(122) Parking area, public. "Public parking area" means an open area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee or as an accommodation for clients and customers.

(123) Parking space. "Parking space", means a permanently surfaced area exclusive of driveways or access drives, for the purpose of parking one motor vehicle.

(124) Performance standard. "Performance standard" means a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

(125) Personal service. "Personal service" means any for-profit enterprise which primarily offers

services to the general public such as a health club, fitness facility, shoe repair, watch repair, barber shop, beauty parlor, laundromat, dry cleaner and similar activities. "Personal services" do not include sexually oriented business.

(126) Planned Unit Development (PUD). "Planned Unit Development (PUD)" is defined and regulated in Chapter 1288, Planned Unit Development.

(127) Profession. "Profession" means an occupation involving the dispensation of a service that involves either some skill or knowledge, or that requires connections to other businesses not easily or readily available to the general public.

(128) Public or semi-public uses. "Public or semi-public use" means any building, structure, facility, or complex used by the general public, whether constructed by any state, county or municipal government agency or agent thereof. This shall include, but not be limited to: government buildings, fire station, police station, post office, library, treatment plant, water tower, community or recreation center, or government maintenance facility.

(129) Recreation facility. "Recreation facility" means any land, building or structure that provides facilities for sports or leisure activities including, but not limited to: athletic fields, playgrounds, ball courts, picnic areas, bike/hike trails or swimming pools, amusement parks, ice skating rinks and rock climbing walls.

(130) Religious place of worship. "Religious place of worship" means a building for the assembly of a congregation of people regularly attending or holding religious services, meeting and other related activities.

(131) Residential use. "Residential use" means a home, abode, dwelling unit or place, where a family or individual(s) live; where such a place has areas for living and eating within the structure. This category includes but is not limited to single-family detached units, single-family detached units in clustered or zero lot line developments, multi-family units, and manufactured or mobile homes as well as uses such as

bed and breakfast facilities, granny cottages, group homes, and day care/Type A.

(132) Restaurant. "Restaurant" means an eating establishment where food is prepared and served at counters or tables for consumption within a wholly enclosed building or off-premises.

(133) Restaurant, drive-in. "Drive-in restaurant" means an eating establishment where the primary function is the service of food prepared for consumption in motor vehicles on the premises, regardless of limited table space.

(134) Restaurant, drive-through. "Drive-through restaurant" means an eating establishment where a significant portion of business transactions are capable of being conducted, directly with customers located in a motor vehicle through a window in the building.

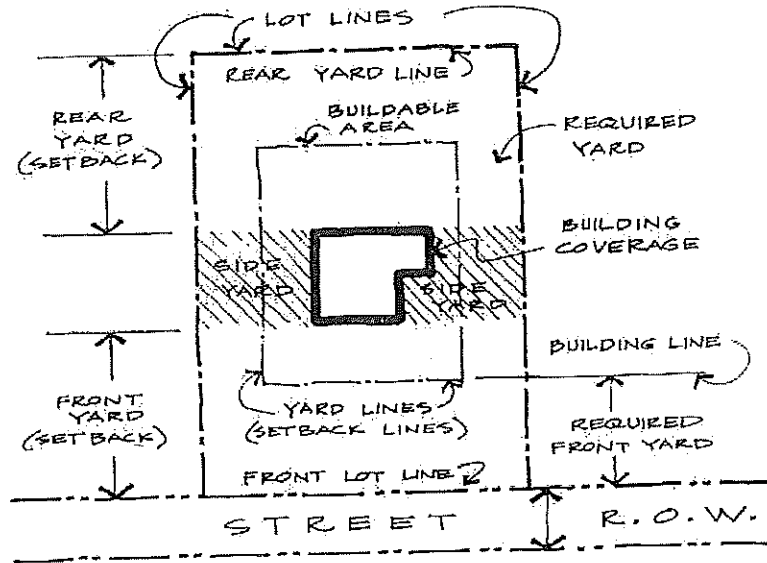
(135) Restaurant, fast food. "Fast food restaurant" means an eating establishment whose principal business is the sale of rapidly prepared food, directly to the consumer in a ready-to-consume state for consumption, either within the restaurant or off-premises, in an average preparation time of 240 seconds or less.

(136) Retail business. "Retail business" means any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale.

(137) Retail, convenience. "Convenience retail" means a business that customarily provides prepackaged food products, and beverages for consumption off premises, newspapers, magazines, limited groceries and household items or other small scale retail items for sale to the general public.

(138) Retail showroom. "Retail showroom" means a building or portion of a building used for the display of products for sale to the general public related to the primary use of the property.

(139) Right-of-way. "Right-of-way (R.O.W. )" means land dedicated to, or owned by, the public for use as a roadway, walk or other way.



### Setback(s)

(140) Satellite dish. "Satellite dish" means an antenna used for the reception of television and other electronic signals, as regulated by § 1296.25, Satellite Dishes.

(141) Self storage warehouse. "Self storage warehouse" means a building containing varying sizes of individual, compartmentalized, and controlled access stalls, rooms, or lockers that are rented or leased to individuals, organizations, or businesses for the storage of personal property.

(142) Setback line. "Setback line" means the line beyond which no building or part thereof shall project, except as otherwise provided by this Zoning Code. "Setback line" shall include the front, side and rear yard setback lines.

(143) Sexually oriented business. "Sexually oriented business" is a facility having a significant portion of its function as adult entertainment which includes the following listed categories:

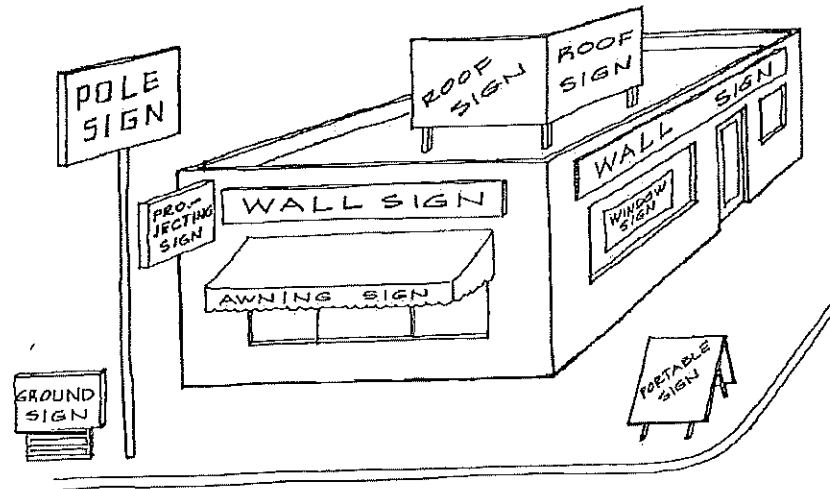
A. Adult book store. An "adult book store" means an establishment deriving a majority of its

gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films or mechanical or non-mechanical devices, which constitute adult materials.

B. Adult material. "Adult material" means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch and:

1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination; or

2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination.



Sign(s)

C. Adult motion picture theater. "Adult motion picture theater" means an enclosed motion picture theater or motion picture drive-in theater used for presenting, and deriving a majority of its gross income from adult material for observation by patrons therein.

D. Adults only entertainment establishment. "Adults only entertainment establishment" means an establishment which features services which constituted adult material, or which features exhibitions of persons totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute adult material.

(144) Sign. Any device, structure, fixture, painting or visual image designed to be seen from an outdoor location and using graphics, symbols, letters or numbers for the purpose of conveying a message or advertising or identifying any establishment, product, goods or services.

(145) Sign, area of. "Area of sign" means the total exterior surface, computed in square feet, of a sign

having only one exposed exterior surface, or one-half the total of the exposed exterior surface, computed in square feet, of a sign having more than one surface.

(146) Sign, awning. "Awning sign" means a sign painted, attached, embossed or affixed to a fixed or retractable awning.

(147) Sign, banner. "Banner sign" means a sign of lightweight fabric, canvas, plastic or similar material that is temporarily mounted between or to a pole or building.

(148) Sign, billboard. "Billboard sign (signboard)" means a sign directing attention to a specific business, product, service, entertainment activity or other commercial activity offered, sold or conducted elsewhere than upon the lot on which the sign is located. Billboard signs are also referred to as off-premises signs.

(149) Sign, bulletin board. "Bulletin board sign" means an on-premises sign which is primarily intended to announce events that contain noncommercial messages.

(150) Sign, canopy. "Canopy sign" means a sign attached to the side, or underside of a canopy at a 90 degree angle to the street, intended for pedestrian visibility.

(151) Sign, changeable copy. "Changeable copy sign" means a sign or portion thereof where the message or graphic is not permanently affixed to the structure, framing or background and may be periodically replaced or covered over, manually or by electronic or mechanical devices.

(152) Sign, directional. "Directional sign" means a sign indicating a direction or location to which pedestrian or vehicular traffic is requested to move.

(153) Sign, display. "Display sign" means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.

(154) Sign, free-standing. "Free-standing sign" means a sign which is supported wholly by a pole or poles and is designed so as to permit at least six feet of visibility under the sign face.

(155) Sign, ground. "Ground sign" means a free-standing sign which has a supporting base designed as an integral part of the sign resting totally or primarily on the ground.

(156) Sign, identification. "Identification sign" means a sign which is primarily intended to indicate the name, owner, manager and/or address of an existing building or business.

(157) Sign, informational. "Informational sign" means a sign which presents miscellaneous information or instructions intended to serve the public, rather than to promote a business, product, political viewpoint or issue.

(158) Sign, political. "Political sign" means a sign advocating action on a public issue, indicating a candidate for public office, or expressing an opinion or belief.

(159) Sign, portable. "Portable sign" means a sign which is designed to be transported and is not physically attached to any part of a building or ground.

(160) Sign, projecting. "Projecting sign" means a sign erected on the outside wall of a building and which projects out at an angle greater than 0 degrees therefrom.

(161) Sign, real estate. "Real estate sign" means a sign directing attention to the promotion, development, construction, rental, sale or lease of a property on which it is located.

(162) Sign, roof. "Roof sign" means any sign erected upon and positioned completely or partially over the roof of any building.

(163) Sign, temporary. "Temporary sign" means a sign of any type, announcing special events of sales, to announce the sale, lease or rental of property and which is designed to be used for a specific period of time as established in Chapter 1292, Signs and Outdoor Advertising.

(164) Sign, wall. "Wall sign" means a sign attached to or displayed or painted on an exterior wall and in a manner parallel with the wall surface.

(165) Sign, window. "Window sign" means a sign painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door, that is intended to be viewed from the outside of a building.

(166) Site plan. "Site plan" means a plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

(167) Storage warehouse. "Storage warehouse" means a building used primarily for the storage of goods and materials.



(168) Story. "Story" means that portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and ceiling next above it.

(169) Story, first. "First story" means the lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building, except that any basement or cellar used for residence purposes, other than for a janitor or caretaker and his or her family, shall be deemed a first story.

(170) Story, half. "Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story. However, any partial story used for residence purposes, other than for a janitor or caretaker and his or her family, shall be deemed a full story.

(171) Story, mezzanine. "Mezzanine story" means a story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story if it covers more than one-third of the area of the story directly underneath it.

(172) Street. "Street" means a public right-of-way which provides a public means of access for motor vehicles to abutting property. "Street" includes avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any similar term.

(173) Structural alteration. "Structural alteration" means any change in the structural members of a building, such as walls, columns, beams or girders.

(174) Structure. "Structure" means anything constructed, the use of which required a permanent location on the ground or an attachment to something having a permanent location on the ground.

(175) Swimming pool. "Swimming pool" means a permanently constructed or portable water-filled enclosure, having a depth of more than 18 inches

below the level of the surrounding land or an above surface enclosure having a depth of more than 30 inches, designed, used and maintained for swimming or bathing purposes.

(176) Tavern. See "Bar or tavern".

(177) Thoroughfare plan. "Thoroughfare plan" means the Official Thoroughfare Plan of Woodlawn, as adopted by the Planning Commission, establishing the location and official right-of-way width of principal highways and streets in the Village, on file in the office of the Commission, dated October 5, 1970, together with all amendments subsequently adopted.

(178) Thoroughfare, primary or secondary. "Primary or secondary thoroughfare" means an officially designated Federal or State numbered highway, a County or other road or street designated as a primary thoroughfare on the Official Thoroughfare or Major Street Plan for the Municipality, or a County or other road or street designated as a secondary thoroughfare on such Plan, respectively.

(179) Trailer or mobile home. "Trailer" or "mobile home" includes automobile trailer, trailer coach or house trailer, and means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters; the conduct of a business, trade or occupation; use as a selling or advertising device or use for storage or conveyance of goods, equipment or machinery, and so designed that it is to be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

(180) Training center. "Training center" means a facility providing education and training involving job-related skills, certification or licensure.

(181) Truck transfer terminal. "Truck transfer terminal" means a facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

(182) Use. "Use" means the purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is or may be occupied or maintained.

(183) Use, accessory. See "accessory use" definition.

(184) Use, conditional. "Conditional use" means a use which is permitted in a district only if a Conditional Use Permit therefor is expressly authorized by the Planning Commission in accordance with § 1254.08, Conditional Use Permits.

(185) Use, principal permitted. "Principal permitted use" means a use which is permitted outright in a district for which a Zoning Permit may be issued by the Zoning Officer in accordance with § 1254.05, Zoning Certificate of Compliance.

(186) Variance. "Variance" means a modification of the strict terms of the relevant regulations where

such modification will not be contrary to the public health, safety, or welfare and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

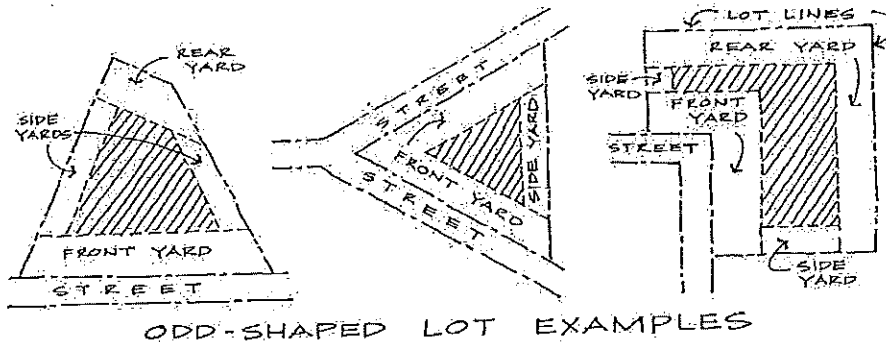
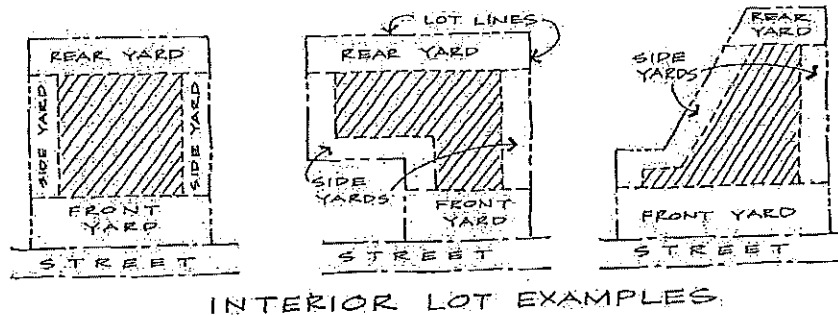
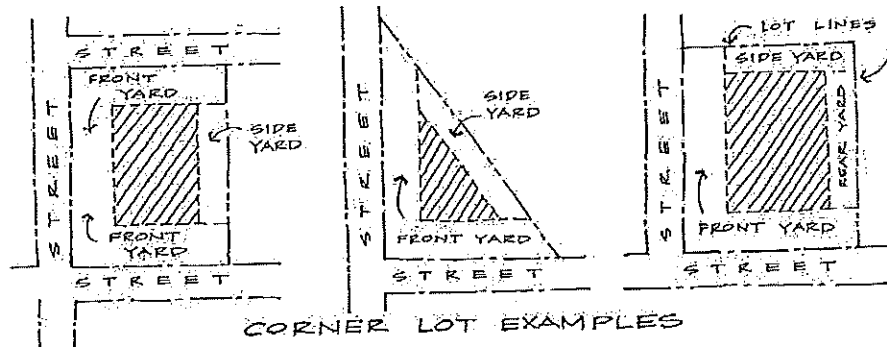
(187) Veterinary hospital. See "Animal hospital".

(188) Woodlawn Building Commissioner. "Woodlawn Building Commissioner" means the Building Commissioner of the Municipality or his or her authorized representative.

(189) Woodlawn Engineer. "Woodlawn Engineer" means the Municipal Engineer of Woodlawn or his or her authorized representative.

(190) Yard. "Yard" means an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code.

[See illustrations on following page]



**Lot Examples**

(191) Yard, front. "Front yard" means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot or the wall line of a structure. A lot that fronts on two streets and all corner lots in "R" Districts shall have two front yards.

(192) Yard, front; how measured. The depth of a front yard shall be measured from the right-of-way line of the existing street on which the lot fronts. However, if the proposed location of the right-of-way

line of such street as established on the Thoroughfare Plan or on its related base map differs from that of the existing street, then the required front yard depth shall be measured from the right-of-way as designated on such Thoroughfare Plan or base map.

(193) Yard, rear. "Rear yard" means a yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot or the wall line of a structure, provided that on a corner lot, the

rear yard shall be opposite the street frontage having the least width.

(194) Yard, side. "Side yard" means a yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot or the wall line of a structure.

(195) Yard, side, least width; how measured. The least width of a side yard shall be measured from the nearest side lot line, and if the nearest side lot line is on a side street, such lot line shall be measured from the right-of-way line on the existing street. If the proposed location of the right-of-way line of the side street, as established on the Thoroughfare Plan or on the base map, differs from that of the side street as it exists, then the required side yard width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan or base map.

(196) Zoning Board of Appeals. "Zoning Board of Appeals" means the Board of Zoning Appeals of the Municipality.

(197) Zoning Map. "Zoning Map" means the Zoning Map of Woodlawn, including all amendments thereto.

(198) Zoning Officer. "Zoning Officer" means the Zoning Officer and/or Inspector of the Municipality or his or her authorized representative.

(199) Zoning Certificate. "Zoning Certificate" means a document or approval issued by the Zoning Officer authorizing buildings, structures or uses consistent with this Zoning Code and for the purpose of carrying out and enforcing its provisions. In any case, where a building permit is issued, the building permit also serves the function of the Zoning Certificate.

(200) Zoning Certificate of Compliance. "Zoning Certificate of Compliance" means a document issued

by the Zoning Officer certifying that all required zoning regulations, and as may be amended by approved variance or conditions imposed, are in compliance with this Zoning Code and as may be amended from time to time.

(Ord. 17-2013, passed 9-24-2013; Ord. 13-2017, passed 6-27-2017)



## CHAPTER 1254: ADMINISTRATION AND ENFORCEMENT

### Section

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|---|--|
| 1254.01 Purpose.  | 1254.07 Responsibilities of the Planning Commission. |
| 1254.02 Establishment of a Zoning Officer.  | 1254.08 Conditional use permits.                     |
| 1254.03 Responsibilities of the Zoning Officer.   | 1254.09 Determination of similar uses.               |
| 1254.04 Determination of Permissible Use Certificate.   | 1254.10 The Woodlawn Council.                        |
| 1254.05 Zoning Certificate of Compliance.   | 1254.11 Amendments.                                  |
| 1254.06 Effect of pending amendments on determination of Permissible Use Certificate and Zoning Certificate of Compliance applications. | 1254.12 Site Plan Review.                            |

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### § 1254.01 PURPOSE.

This chapter sets both the powers and duties of the Zoning Officer, the Planning Commission, and Council with respect to the administration of the provisions of this Zoning Code.  
(Ord. 17-2013, passed 9-24-2013)

### § 1254.02 ESTABLISHMENT OF A ZONING OFFICER.

There is hereby established the office of Zoning Officer and for the purposes of this Zoning Code, the Building Commissioner may be designated as the Zoning Officer, or such duties may be performed by another person designated by the Municipal Manager or Council. The Zoning Officer shall enforce this Zoning Code in accordance with the provisions hereof. All department officials and public employees of the Municipality vested with the duty and authority to issue permits or licenses shall conform to this Zoning Code and shall issue no permit or license for any use, building or purpose in conflict with this Zoning Code. Any permit or license issued in conflict

with this Zoning Code shall be null and void and of no effect whatsoever.

(Ord. 17-2013, passed 9-24-2013)

### § 1254.03 RESPONSIBILITIES OF THE ZONING OFFICER.

The Zoning Officer shall have the following responsibilities and powers:

- (a) Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions, including both map and text.
- (b) Inspect properties within the Village to determine compliance with regulations and to issue violation notices when necessary.
- (c) Receive, review and make determinations on applications for determination of Permissible Use Certificates and Zoning Compliance Certificates.
- (d) Issue zoning certificates as provided by this Code, and keep a record of same with notations of special conditions involved.

(e) Review and process plans pursuant to the provisions of this Code.

(f) Make determinations as to whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Code.

(g) Conduct inspections of buildings and uses of land to determine compliance or noncompliance with this Code.

(h) Maintain permanent and current records required by this Code, including but not limited to: the Official Zoning Map, determination of Permissible Use Certificates, Zoning Certificates, inspection documents and records of all variances, amendments and conditional uses. These records shall be made available for use of the Council, Planning Commission, the Board of Zoning Appeals and to the public.

(i) Initiate the revocation of a permit or approval issued contrary to this Code.

(j) Act upon all applications within 30 days after they are filed in full compliance with all applicable requirements. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said 30 days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his request to the Woodlawn Board of Zoning Appeals.

(k) Examine and refer to the Planning Commission applications for a Zoning Certificate when site plan review is required as specified in this chapter.

(l) Forward findings of fact as to alleged violations of this Code to the Law Director.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1254.04 DETERMINATION OF PERMISSIBLE USE CERTIFICATE.**

(a) *Required.* Unless the Board of Zoning Appeals has granted a variance, no owner shall use, change the use of or permit the use of any structure, building, land or site, or part thereof, existing or hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Determination of Permissible Use Certificate, which may be a part of the building permit, has been issued by the Zoning Officer. Such Determination of Permissible Use Certificate shall show that such building or premises, or part thereof, and the proposed use thereof, are in conformity with this Zoning Code. The Zoning Officer shall issue a Determination of Permissible Use Certificate, provided that he or she is satisfied that the structure, building or premises, the proposed use thereof and the proposed methods of water supply and disposal of sanitary waste conform with all applicable requirements of this Zoning Code, and when approval of grading, drainage and other site design plans has been given in writing to the Zoning Officer from the Municipal Engineer.

(b) *Excavation permits.* No permit for excavation or construction shall be issued by the Building Commissioner unless the plans, specifications and intended use conform, to this Zoning Code or a variance granted by the Board of Zoning Appeals, and until written approval of the excavation has been received from the Municipal Engineer.

(c) *Application; plans.* Every application for a Determination of Permissible Use Certificate shall be required for:

- (1) A new building;
- (2) An addition to an existing building;
- (3) Changes to an existing site;
- (4) Use of vacant land; or

(5) A change of owner or lessee for nonresidential premises.

And shall be accompanied by:

(1) Plans in the number specified by this Zoning Code or by the Zoning Officer where such number may not exist;

(2) Drawn to scale in black line or blue print, showing:

A. The actual shape and dimensions of the lot to be built upon or to be changed in use, in whole or in part;

B. The exact location, size and height of any building or structure to be erected or altered;

C. In the case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance;

D. Drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or as the structure as it will appear after the work for which a permit is sought has been completed, shall be provided.

(3) The existing and intended use of each building or structure or part thereof;

(4) The number of families or housekeeping units the building is designed to accommodate and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and

(5) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Code shall be shown on the plans.

One copy of such plans shall be returned to the owner when such plans have been approved by the

Zoning Officer, together with such Determination of Permissible Use Certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey, and each survey submitted, including a topographical survey if required or requested, shall be prepared by and bear the seal of a surveyor registered in the State of Ohio. The lot and the location of the building thereon shall be staked out on the ground before construction is started. A Determination of Permissible Use Certificate shall be posted in a conspicuous place at the site to which it refers visible from the public right-of-way.

(d) *Time limit for issuance or denial.* The Zoning Officer shall act upon all such applications within 30 days after they are filed in full compliance with all applicable requirements. The Zoning Officer shall either issue a Determination of Permissible Use Certificate within 30 days or shall notify the applicant, in writing, of the refusal of such certificate and the reasons therefore. Failure to notify the applicant of such refusal within such 30 days shall entitle the applicant to a Determination of Permissible Use Certificate, unless the applicant consents to an extension of time.

(e) *Failure to commence work.* A Determination of Permissible Use Certificate which has been issued for which no work has commenced within six months after issuance thereof, shall expire by limitation, and where work is commenced and then abandoned for one year, the Zoning Officer or authorized representative shall order the incomplete structure to be removed by the owner. Upon failure of the owner to remove the same within six months, such owner may be guilty of a misdemeanor and subject to the penalty contained in Chapter 1299, Violations, Remedies and Fees.

(Ord. 17-2013, passed 9-24-2013)

#### § 1254.05 ZONING CERTIFICATE OF COMPLIANCE.

(a) *Required.* No owner, lessee or tenant shall occupy any structure, building, land or site, or part



thereof, existing or hereafter erected, created, changed, converted or enlarged, unless a Zoning Certificate of Compliance has been issued by the Zoning Officer after inspection.

(b) *Conditions.* A Zoning Certificate of Compliance shall be applied for by the owner of any land, property or building after the work identified in the Determination of Permissible Use Certificate has been completed.

(c) *Review and approval.* Pending the issuance of a final Zoning Certificate of Compliance, a temporary Zoning Certificate of Compliance may be issued for not more than six months during the completion of the alterations or during partial occupancy of a building pending its completion. Such temporary Zoning Certificate of Compliance shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the Municipality relating to the use or occupancy of the premises or any other matter covered by this Zoning Code. Such temporary Zoning Certificate of Compliance shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants. If a temporary certificate is issued, the applicant shall notify the Zoning Officer, in writing, that all work has been completed. A Zoning Certificate of Compliance, a temporary Zoning Certificate of Compliance or a written notice denying such certificate shall be issued by the Zoning Officer to the applicant within a reasonable time.

(d) *Records; fees; posting.* A record of all Zoning Certificates of Compliance shall be kept on file in the office of the Zoning Officer and copies shall be furnished, on request, to persons having a proprietary or tenancy interest in the building or land affected. A fee for the issuance of the Zoning Certificate of Compliance shall be charged. Such fee shall be established by Woodlawn Council.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1254.06 EFFECT OF PENDING AMENDMENTS ON DETERMINATION OF PERMISSIBLE USE CERTIFICATE AND ZONING CERTIFICATE OF COMPLIANCE APPLICATIONS.**

A determination of Permissible Use Certificate or a Zoning Certificate of Compliance for a change in use may be withheld during the period in which an amendment to this Zoning Code or the Zoning Map is pending (after having been recommended by the Planning Commission or introduced by Council), if the amendment would affect the building or use applied for. However, the Zoning Certificate or Zoning Certificate of Compliance shall not be withheld for more than 90 days after the application was submitted or after final action by Council has been taken, whichever is the shorter period.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1254.07 RESPONSIBILITIES OF THE PLANNING COMMISSION.**

The Planning Commission shall have the following responsibilities and powers as they relate to this Code:

(a) Carry on a continuous review of the effectiveness and appropriateness of this Code and recommend such changes or amendments, to Woodlawn Council, as it feels would be appropriate.

(b) Hold public hearings as required by this Code, notice of which shall be given in accordance with Ohio R.C. § 713.12.

(c) Initiate advisable Official Zoning District Map changes, or changes in the text of the Code where same will promote the best interest of the public in general through recommendation to the Woodlawn Council.

(d) Review proposed zoning amendments and Planned Unit Development applications as filed by a

property owner, providing recommendation to the Woodlawn Council.

(e) Conduct Site Plan Review for projects requiring such approval.

(f) Review and approve/disapprove Conditional Use applications.

(g) Review and approve/disapprove requests for determinations of similar use.

(h) Review requests for special permits for recommendation to the Woodlawn Council.

(i) Function in any further capacity as required by the Municipal Charter.  
(Ord. 17-2013, passed 9-24-2013)

#### § 1254.08 CONDITIONAL USE PERMITS.

Conditional use permits shall be required for types of uses designated as conditionally permitted in a particular use district. Such particular use may be permitted and desirable in certain districts, but not without consideration in each case of the effect of the use upon neighboring land and the effect the neighboring land will have on the use. The application of the planning standards for determining the location and extent of such use is a planning function, and not in the nature of a variance or appeal. Conditional Use Permits run with the land and not the applicant/owner.

##### (a) *Conditional use process.*

(1) The Planning Commission may hear and decide upon applications for a Conditional Use Permit in accordance with the provisions of these regulations.

(2) In considering an application for a Conditional Use Permit, the Planning Commission must make an affirmative finding that the proposed Conditional Use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of Conditional Uses have been

met. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.

(3) A public hearing shall be held by the Planning Commission in considering an application for a Conditional Use Permit, Notice shall be given not less than ten days prior to the date of public hearing, by posting notice on or near the parcel of land involved, at places which will be conspicuous to the neighboring properties and to the public, by mailing notice to the adjacent property owners, and by publishing notice in a newspaper of general circulation.

(b) *Conditional use application.* An application for a Conditional Use Permit shall contain the following information:

(1) Completion of the required application form.

(2) The total area in the development in square feet and acres.

(3) The existing zoning of the property in question and all adjacent properties.

(4) All right-of-way and any easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.

(5) Existing topography with a maximum of ten-foot contour intervals.

(6) The proposed finished grade of the development shown by contours not larger than five feet.

(7) The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.

(8) Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.

(9) All sidewalks and other pedestrian systems.

(10) Open areas; existing and proposed.

(11) Location of all walls, fences, and buffer yards, including proposed wall, fence or buffer design or composition.

(12) Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.

(13) Location of all existing and proposed streets, highways and alleys.

(14) All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.

(15) The schedule of phasing of the project, if applicable.

(16) Proposed plans for the exterior of the building, including building elevations, photographs and proposed finishes or materials.

(17) A statement and supporting documentation describing how the applicant believes that the request conforms to the standards for conditional uses listed in § 1254.08(c).

(18) Such other information as required by the Planning Commission to determine the conformance with this Code.

(c) *Standards for conditional use.* The Commission shall not grant a conditional use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

(1) The proposed conditional use will comply with all applicable regulations of this Code, including lot size requirements, development standards and use limitations.

(2) Adequate utility, drainage and other such necessary facilities have been or will be provided.

(3) Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys.

(4) All necessary permits, and licenses for the use and operation of the conditional use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Conditional Use on the subject property.

(5) All exterior lights for artificial open-air illuminations are so shaded as to avoid casting direct light upon any property located in a residential district and to prevent glare that may cause a nuisance to the public.

(6) The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets given access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

(7) The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.

(8) Evidence that the conditional use desired will not adversely affect the public health and safety.

(d) *Conditions and restrictions.* In granting a Conditional Use Permit, the Commission may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to comply with the standards set out in this chapter to reduce or minimize potentially injurious effects of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.

(e) *Period of validity.*

(1) A Conditional Use Permit granted by the Commission shall terminate at the end of one year from the date on which the Commission grants the conditional use, unless within the one year period a building permit is obtained and the erection or alteration of a structure is started.

(2) A change in use to another conditional use shall require a reapplication of the conditional use permit with the Planning Commission.

(f) *Cultivation and processing of medical marijuana; medical marijuana dispensaries.* In addition to the general standards applicable to all conditional uses, the Planning Commission shall, when studying an application for conditional use pertaining to a medical marijuana cultivation facility or a medical marijuana processing facility, consider the following criteria:

(1) The impact of the proposed use on public safety in the surrounding community;

(2) The impact of the proposed use on the economic welfare of the surrounding community;

(3) The impact of the proposed use on the general welfare of the surrounding community in regard to odors which may emanate from the proposed use; and

(4) The impact of the proposed use on any disproportional concentration of medical marijuana

cultivation facilities or medical marijuana processing facilities in the surrounding community.

(Ord. 17-2013, passed 9-24-2013; Ord. 13-2017, passed 6-27-2017)

#### § 1254.09 DETERMINATION OF SIMILAR USES.

Uses other than those specifically mentioned in this Zoning Code as permitted uses in each district may also be allowed therein, provided that, in the judgment of the Planning Commission, such other uses are of a similar character to those mentioned and will have no adverse influence or no more adverse influence on adjacent properties, the neighborhood or the community than the permitted uses specifically mentioned for the district, in accordance with the following standards.

(a) The determination as to whether a main or accessory use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the district and not as a variance applying to a particular situation. Any main use found similar shall thereafter be included in the enumeration of main uses permitted by right. In the case of an accessory use, the accessory use shall thereafter be permitted as accessory by right in that district to the main use to which it is accessory. Application for similar use shall be made to the Planning Commission by submitting a site plan as set forth in § 1254.12, Site Plan Review.

The Planning Commission shall grant or deny the similar use permit utilizing the following standards:

(1) That such use is found to be compatible with the intent statement of the district for which it is being considered;

(2) That such use is not listed in any other main classification of permitted uses, or in the case of accessory uses that the use is not listed as an accessory use to the main use in any other district;

(3) That such main use conforms to the basic characteristics of the classification to which it is to be added, and is more appropriate thereto than to any other main classification;

(4) That the use does not create dangers to the health or safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added; and

(5) That such use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.

(b) If approved, the use shall be identified as a conditional permitted use, subject to the standards and regulations of § 1254.08, Conditional Use Permits, in this Zoning Code unless a formal Zoning Code text amendment is conducted, as per § 1254.11, Amendments, incorporating such use as a principal permitted or accessory permitted use.

(c) Appeals to the decision of the Planning Commission shall be made to the Board of Zoning Appeals.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1254.10 THE WOODLAWN COUNCIL.**

The powers and duties of the Woodlawn Council as they relate to this Code are as follows:

(a) Approve the appointment of a Zoning Officer and any assistants, to administer and enforce the provisions of these regulations.

(b) Approve the appointment of members of Planning Commission as regulated by the Municipal Charter.

(c) Approve the appointment of a Board of Zoning Appeals in accordance with the Municipal Charter.

(d) Initiate or act upon suggested amendments to the Zoning Regulations text or the Official Zoning District Map after receiving the recommendations of the Woodlawn Planning Commission.

(e) Determine fees for permits, application review and violations. Each written application for a Zoning Certificate, Zoning Amendment, Administrative Appeal, Conditional Use Permit, Similar Use, Special Permit, Site Plan Review or Variance shall be accompanied by filing fees.

(f) Provide for maintaining and keeping current the permanent records required by these regulations, including but not limited to the Official Zoning District Map, Zoning Certificate, inspections, and all official zoning actions of the Woodlawn Council. Such records shall be made available for use by the Woodlawn Council, Planning Commission, Board of Zoning Appeals, and the public.

(g) To hear and decide appeals to the decision of the Planning Commission regarding an application for site plan review.

(h) Review and approve/disapprove requests for Concept Plans for Planned Unit Developments.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1254.11 AMENDMENTS.**

(a) *Authority of Council; initiation.*

(1) Whenever the public necessity, convenience, general welfare or good zoning practice requires, Council may, by ordinance, after recommendations thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Zoning Code or amendments thereto.

(2) The Planning Commission shall submit to Council recommendations regarding all applications

or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion, by motion of Council or by the filing of a verified application therefore by one or more of the owners or lessees of the property within the area proposed to be changed or affected by the proposed amendment or supplement.

(b) *Applications; information.* Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, and for regulation/text amendments, shall be submitted in triplicate to the Planning Commission or Zoning Officer, who shall forward the application to the Planning Commission, upon such forms and accompanied by such data and information as may be prescribed for that purpose by the Commission, so as to ensure the fullest practical presentation of the facts for the permanent record.

Application shall include the following information as a minimum:

(1) Such data shall include, in the event of a map amendment, a plat or map drawn to a scale of not less than 100 feet to the inch (1" = 100') showing the land in question, its location, the length and location of each boundary thereof, the location of existing uses and buildings and the principal use of all properties within 300 feet of such land.



(2) When the request is for a text amendment, the application shall include a clear description of the proposed language to be added, removed or altered in the Zoning Code, including a clear reference to any and all sections of the Code to be amended.

(3) Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application.

(4) Applications for amendments or district changes initiated by the Commission or Council shall be accompanied by a resolution of record of either body pertaining to the proposed amendment.

(5) Any person desiring a change in the zoning classification of property shall file, with the application for such change, a statement giving the names and addresses of the owners of all properties lying within 300 feet of any part of the exterior boundaries of the premises, the zoning classification of which is proposed to be changed.

(c) *Hearings by Planning Commission.* Before submitting its recommendations on a proposed amendment or reclassification to Council, the Planning Commission shall hold at least one public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the Municipality at least ten days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to this Zoning Code, including the text and maps, may be examined. Notice shall also be given to all property owners within 300 feet of the affected property based on the data provided by the applicant. A general notice is required for a text amendment, not notification of property owners.

(d) *Planning Commission recommendations.* Following such hearing, the Commission may recommend that the application be granted as requested, may recommend a modification of the

zoning amendment requested in the application or may recommend that the application be denied. These recommendations shall then be certified to Council.

(e) *Hearings by Council; notice.* After receiving from the Commission the certification of such recommendations on the proposed amendment or supplement, and before the adoption of such amendment, Council shall hold a public hearing thereon. At least 30 days' notice of the time and place of such hearing shall be given by publication in a newspaper of general circulation in the Municipality. If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed in the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least 20 days before the date of the public hearing, to the owners of property within and contiguous to, and directly across the street from, such parcels, to the addresses of such owners appearing on the County Auditor's current tax list.

(f) *Amendments initiated by Council.* Council may, from time to time, on its own motion or on petition, after public notice and hearing as provided by law, and after report by the Planning Commission, amend, supplement or change the boundaries or regulations in this Zoning Code or subsequently established. If the Commission disapproves the proposed change, such amendment shall not be passed except by a favorable vote of three-fourths of all members of Council.

(g) *Minimum district size.* Each district or noncontiguous portion of a district shall be at least five acres.

(h) *Pending Zoning Map changes.* Whenever Council has taken under advisement a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, as evidenced by a resolution of record, no Zoning Certificate or Zoning Certificate of Compliance shall be issued within 30 days from the date of such resolution, which certificate or permit would authorize the construction of a building or the establishment of



a use which would become nonconforming under the contemplated redistricting plan.

(i) *Fee.* Each application for a zoning amendment or district change, except one initiated by the Planning Commission, shall be accompanied by a check payable to the Clerk-Treasurer or a cash payment, in an amount to be determined by the Council, sufficient to cover the costs of publishing, posting and/or mailing notices of hearings.

(j) *Conditions for approval.* The Planning Commission and Woodlawn Council shall favorably consider an application for a zoning amendment, whether to the Zoning Regulation text or to the Official Zoning District Map, only if the request for a change of zoning meets the at least one of the following conditions:

(1) A manifest error exists in the Zoning Code text and/or designations on the Official Zoning District Map;

(2) The amendment will result in accordance with, or more appropriate conformance to, the Woodlawn Master Plan;

(3) Substantial change in area conditions have occurred; or

(4) A legitimate requirement can be shown for the need for additional land area for the particular zoning district.

(Ord. 17-2013, passed 9-24-2013)

**§ 1254.12 SITE PLAN REVIEW.**

Site plan review shall be as follows:

(a) *Applicability.* This section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single-family dwellings and two-family dwellings (duplexes) and parking lots of five spaces or smaller. Substantial expansion of existing structures shall be defined as an increase of the existing structure by 20

percent or more in gross floor area. Furthermore, no building shall be erected or structurally altered on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan. No Zoning Certificate or Zoning Certificate of Compliance shall be issued prior to the approval of a site plan.

(b) *Contents of Site Plan.* Before a permit is issued for construction, copies of a site plan at a scale no smaller than 1 inch to 100 feet (1" = 100') shall be filed with the Zoning Officer setting forth, identifying and locating the following:

(1) The total area in the development in square feet and acres.

(2) The existing zoning of the property in question and all adjacent properties including properties located across a street from the subject property.

(3) All right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.

(4) Existing topography with a maximum of ten-foot contour intervals.

(5) The proposed finished grade of the development shown by contours not larger than five feet.

(6) The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.

(7) Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.

- (8) All sidewalks and other open areas.
- (9) Location of all walls, fences, and buffer yards.
- (10) Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
- (11) Location of all existing proposed streets, highways and alleys.
- (12) All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
- (13) The schedule of phasing of the project, if applicable.
- (14) A lighting plan for the project including a photometric plan and proposed lighting fixture types/styles and mounting heights.
- (15) A landscape plan.
- (16) A storm water management plan.
- (17) Proposed plans for the exterior of the building, including building elevations, photographs and proposed finishes or materials.
- (18) A traffic impact study, if required by the Planning Commission.
- (19) Such other information as required by the Planning Commission to determine the conformance with this Code.
- (c) *Site Plan Review guidelines.* The following principles shall guide the exercise of site planning review by the Planning Commission:
- (1) The use or expansion is in conformance with the most recent Woodlawn Master Plan.
- (2) The natural topographic and landscape features of the site shall be incorporated into the plan and the development to the greatest extent feasible.
- (3) Buildings and open spaces should generally be in proportion and in scale with existing structures and spaces in the area within 300 feet of the development site.
- (4) A site that has an appearance of being congested, overbuilt or cluttered can evolve into a blighting influence and therefore such should not be congested, over built or cluttered.
- (5) Open spaces should be linked together.
- (6) Natural separation should be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal should be kept to a minimum.
- (7) Screening of intensive uses should be provided by utilizing landscaping, fences or walls to enclose internal areas.
- (8) Buildings should be sited in an orderly, non-random fashion. Long, unbroken building facades should be avoided.
- (9) In connection with the siting of buildings taller than one story, the location should be oriented to maximize the privacy of the occupants of adjacent buildings.
- (10) Short loop streets, cul-de-sacs and residential streets should be used for access to low-density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity.
- (11) Street location and design should conform to existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets. Flat as possible grades should be utilized proximate to intersections.
- (12) Pedestrian circulation in nonresidential areas should be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking should

be located as near as possible to be accessible to the structure. Pedestrian and vehicular circulation should be separated as much as possible, through crosswalks designated by pavement markings, signalization or complete grade separation.

(13) Path and sidewalk street crossings should be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.

(14) Parking lots and garages should be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there should be a sharing or curb cuts of more than one facility. Parking areas should be screened and landscaped and traffic islands should be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.

(15) Drive-through establishments such as restaurants and banks should be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations.

(d) *Action by Planning Commission for Site Plan Review.* Upon submission of the complete application as outlined under § 1254.12(b) for site plan review to the Zoning Officer, the application shall be transmitted to the Planning Commission within 30 days, where they shall review the site plan pursuant to this section. A public hearing shall be held by the Planning Commission in reviewing a site plan. Notice shall be given not less than ten days prior to the date of public hearing, by posting notice on or near the parcel of land involved, at places which will be conspicuous to the neighboring properties and to the public, by mailing notice to the adjacent property owners, and by publishing notice in a newspaper of general circulation. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted.

The Planning Commission shall act upon all site plans within 30 days after the receipt of the complete

application from the Zoning Officer. Within the said 30-day period, a majority of the members of the Planning Commission present at a meeting thereof may vote to extend the said period for a period of time not to exceed an additional 60 days.

(e) *Appeal of Planning Commission decision for Site Plan Review.* An appeal can be made to the Woodlawn Council regarding a decision by the Planning Commission regarding approval of a site plan review. An applicant, or other aggrieved party, may appeal to the Woodlawn Council to evaluate the decision of the Planning Commission as related to a site plan review application. The Council may uphold the decision of the Planning Commission, overturn the decision of the Planning Commission or modify the decision of the Planning Commission. An affirmative vote of five members of the Council is required to overturn or modify the recommendation of the Planning Commission. Appeals to the Planning Commission decision shall be made within 30 days of action by the Planning Commission.  
(Ord. 17-2013, passed 9-24-2013)

## CHAPTER 1256: BOARD OF ZONING APPEALS

### Section

1256.01 Composition; terms of office.  
1256.02 Quorum; voting, rules and regulations.  
1256.03 Meetings and records.  
1256.04 Powers and duties.

1256.05 Exercise of powers.  
1256.06 Appeals.  
1256.07 Variances.  
1256.08 Application for appeal or variance.

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### § 1256.01 COMPOSITION; TERMS OF OFFICE.

The Board of Zoning Appeals shall consist of seven Woodlawn residents, as stipulated by the Municipal Charter. The composition of the Board shall be as follows:

- (a) Two members of Council selected annually by Council;
- (b) One member of the Planning Commission selected annually by the Planning Commission; and
- (c) Four citizens of the Municipality selected by recommendation of the Mayor with the concurrence of Council. Residents shall serve a four-year term, except that terms of the members of the first Board shall be staggered so that two new members will be appointed for two years. Thereafter, two citizen members will be appointed every two years to a four-year term on the Board.

(d) Members of the Board of Zoning Appeals shall be removed for nonperformance of duty or misconduct, by the Municipal Council, upon written charges having been filed with the Municipal Council and after a public hearing has been held regarding such charges. A copy of the charges shall be served

upon the member so charged at least ten days prior to the hearing, personally, by registered mail or by leaving the copy at his or her usual place of residence. The member shall be given an opportunity to be heard and to answer such charges.  
(Ord. 17-2013, passed 9-24-2013)

### § 1256.02 QUORUM; VOTING, RULES AND REGULATIONS.

(a) A quorum for all meetings of the Board of Zoning Appeals shall consist of a minimum of four members. A majority vote by the members present is required for approval of matters brought before the Board. The Mayor, or in his or her absence the Acting Mayor, shall preside at the meetings. He or she may not vote in the Board meeting other than to break a tie by the members. No member may abstain from voting yea or nay unless there is a conflict of interest involved.

(b) The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Code.  
(Ord. 17-2013, passed 9-24-2013)

### § 1256.03 MEETINGS AND RECORDS.

Meetings of the Board of Zoning Appeals shall be held at the call of the Mayor and at such times as the

Board may determine. The Mayor, or in his or her absence the Acting Mayor, shall administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1256.04 POWERS AND DUTIES.**

The Board of Zoning Appeals shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Zoning Code;

(b) Authorize such variances, from the terms of this Zoning Code that are not contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Code will result in practical difficulties, and so that the spirit of this Code shall be observed and substantial justice done. Procedures for variances shall conform to § 1256.07, Variances.

(c) Appeals taken on the basis of a decision rendered by the Planning Commission on conditional use requests.

The Board of Zoning Appeals may call on any Municipal department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board of Zoning Appeals as may reasonably be required.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1256.05 EXERCISE OF POWERS.**

In exercising the powers specified in § 1256.04, Powers and Duties, the Board of Zoning Appeals

may, by a majority vote, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Officer from whom the appeal is taken.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1256.06 APPEALS.**

(a) *Filing.* Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer, department or bureau of the Municipality affected by any decision of the Zoning Officer or conditional use decision of the Planning Commission. Such appeal shall be taken within 30 days of the Zoning Officer or Planning Commission action, as prescribed by the Board by general rule, by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board copies of all papers constituting the record upon which the action appealed from is taken.

(b) *Proceedings stayed.* An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board, after the notice of appeal has been filed with him or her, that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Zoning Officer for good cause shown.

(c) *Hearings; notice.* The Board shall fix a reasonable time for the hearing of the appeal and give not less than 30 days public notice thereof in a newspaper of general circulation in the Municipality, as well as due notice to all property owners adjacent and across the street from the property in question, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. In cases involving structural additions to residential properties, the Board shall give

not less than ten days nor more than 30 days public notice thereof in a newspaper of general circulation, as well as due notice to the parties of interest, including persons whose property faces the frontage or abuts other boundaries of the lot or parcel under appeal.

(d) *Fee.* The filing fee, as adopted by Municipal Ordinance, shall be paid to the Municipality at the time the notice of appeal is filed.  
(Ord. 17-2013, passed 9-24-2013)

### § 1256.07 VARIANCES.

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as provided here, such area variances from the terms, provisions or requirements of this Zoning Code as will not be contrary to the public interest provided. Such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property as described below, the literal enforcement of the provisions or requirements of this Zoning Code would result in practical difficulty, so that the spirit of the Zoning Code shall be upheld, public safety and welfare secured and substantial justice done. Variances shall not be granted for uses not permitted in the zoning district applicable to the property.

(a) Where there are exceptional or extraordinary circumstances or conditions, the literal enforcement of the requirements of this Zoning Code would involve practical difficulty for an area variance the Board of Zoning Appeals shall have power to relieve such hardship. In authorizing a variance, the Board of Zoning Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purpose of the chapter and in the public interest. In authorizing a variance, with attached conditions, the Board of Zoning Appeals shall require such evidence and may require a guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached.

(b) Findings of the Board of Zoning Appeals. No such area variance of the provisions or requirements of this Zoning Code shall be authorized by the Board of Zoning Appeals if the Board of Zoning Appeals finds that any of the following facts and conditions exist:

(1) Area variance:

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

B. Whether the variance is substantial;

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

D. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer, garbage);

E. Whether the property owner purchased the property with knowledge of the zoning restriction;

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

(c) Every variance granted or denied by the Board of Zoning Appeals shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance.

(d) Any variance granted but not acted upon within one year shall be cancelled.

(e) Any party adversely affected by a decision of the Board may appeal to the County Court of Common Pleas on the grounds that such decision was unreasonable or unlawful. The court may affirm, reverse, vacate or modify the decision complained of in the appeal.

(f) The BZA shall fix a reasonable time for the hearing of the variance; give ten days' notice by first class mail to the parties in interest as well as to all property owners within 250 feet of the subject property.

(g) The BZA shall decide the variance within 30 days after the hearing. This time period may be extended for a period not to exceed 30 days if agreed to by the BZA and the applicant.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1256.08 APPLICATION FOR APPEAL OR VARIANCE.**

An application for an appeal or variance shall contain the following information:

(a) Name, address and telephone number of the applicant.

(b) A brief narrative description of the existing use of the property and the proposed use.

(c) Statement of location of the property (subdivision, township, range, section number, lot number).

(d) A statement indicating the zoning of the property.

(e) A brief narrative description of the proposed appeal or variance being requested, citing the section of the Zoning Code from which the appeal or variance is being requested.

(f) A plan, drawn at an appropriate scale, showing the following:

(1) Location of the property, indicating all existing and proposed structures and lot lines.

(2) Locations of the nearest public rights-of-way, and location of all access points to the site, existing or proposed.

(3) Locations of any easements existing or proposed.

(4) Locations of any existing or proposed parking areas and driveways, showing intent to comply with all parking requirements specified by these regulations.

(g) Such other information as may be required by the Board of Zoning Appeals.

(h) Names and mailing addresses of owners of property adjacent to the subject property as recorded by the Hamilton County Auditor's Office.  
(Ord. 17-2013, passed 9-24-2013)

**CHAPTER 1258: DISTRICTS GENERALLY AND ZONING MAP**

Section

- 1258.01 Purpose.
- 1258.02 Division into districts.
- 1258.03 Zoning Map.
- 1258.04 Divided lots; extension of districts.
- 1258.05 Interpretation of district boundaries.
- 1258.06 Zoning of vacated streets or alleys.
- 1258.07 Zoning of annexed land.

**§ 1258.01 PURPOSE.**

The incorporated territory of Woodlawn, Ohio, is hereby divided into the following zoning districts wherein regulations are uniform for each class or type of building or structure or use throughout each zoning district in order to:

(a) Classify, regulate, and restrict the location of residences, commercial establishments, industries, institutional, recreation and other land uses, and the location of buildings designed for specified uses;

(b) Regulate and limit the height of buildings and structures;

(c) Regulate the percentages of lot areas which may be covered by impervious surfaces;

(d) Establish setback lines, sizes of yards and other open spaces surrounding such buildings;

(e) Regulate the density of population of Woodlawn, Ohio.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1258.02 DIVISION INTO DISTRICTS.**

For the purpose of this Zoning Code, Woodlawn is hereby divided into 11 categories or zoning districts.

(a) *Residence districts:*

- R-S Single-Family Low-Density Residence District
- R-2 Single-Family Low-Density Residence District
- R-3 Single-Family Medium-Density Residence District
- R-M Multi-Family Residence District

(b) *Other districts:*

- O-S Open Space District
- C-C Civic Center District
- D-1 Downtown Business District
- I-P Industrial Park District
- GMC Glendale Milford Corridor Overlay District
- SP-OL Springfield Pike Corridor Overlay District
- PUD Planned Unit Development District  
(Ord. 17-2013, passed 9-24-2013)

**§ 1258.03 ZONING MAP.**

The zoning districts and the boundaries thereof are hereby adopted and established as shown on the Zoning Map of the Municipality of Woodlawn. Such Map, together with all notations, references, data, district boundaries and other information shown



thereon, shall be considered a part of this Zoning Code. The Zoning Map, properly attested, shall remain on file in the Municipal Offices.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1258.04 DIVIDED LOTS; EXTENSION OF DISTRICTS.**

Where a district boundary line established in this chapter, or as shown on the Official Zoning Map, divides a lot which was in single ownership at the time of enactment of this Zoning Code (Ordinance 17-2013, passed 9-24-2013), the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Zoning Code shall be considered as extending up to 25 feet from the zoning boundary line. The use so extended shall be deemed to be conforming.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1258.05 INTERPRETATION OF DISTRICT BOUNDARIES.**

Unless otherwise indicated on the Official Zoning Map, zoning district boundaries follow lot lines, the centerlines of streets or alleys, or the specified distance from such features, railroad right-of-way lines, or property lines, as indicated on the Zoning Map.

All questions concerning the exact location of district boundary lines, or the meaning and intent of textual provisions of this Zoning Code, shall be determined by Zoning Officer. When the streets or alleys on the ground differ from the streets or alley on the Zoning Map, the Planning Commission may apply the Zoning District designations on the map to the property on the ground in such a manner as to conform to the intent and purposes of the section in the judgment of the Commission.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1258.06 ZONING OF VACATED STREETS OR ALLEYS.**

Whenever any street, alley or other public way is vacated by official action as provided by law, the

zoning district adjoining the side of such public way shall be extended automatically, depending on the side to which such lands revert, to include the right-of-way being vacated, which shall be subject to all regulations of the extended district.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1258.07 ZONING OF ANNEXED LAND.**

(a) In every case where property has not been specifically included within a zoning district, the same is hereby declared to be in the R-S Single-Family Low-Density Residence District until the Planning Commission and Council rezones the property through a public hearing process.

(b) Territory annexed to or consolidated with the Municipality subsequent to the effective date of this Zoning Code (Ordinance 17-2013, passed 9-24-2013), shall, upon the effective date of such annexation or consolidation, become a part of the R-S District, provided that such territory is not currently subject to County or Township zoning regulations at the time of the annexation. Such districting shall be temporary and the Planning Commission shall recommend to Council, within one year from such date of the annexation or consolidation, a final zoning district designation on the official Zoning Map for the annexed territory. However, nothing shall prevent the Commission from recommending such final zoning map at the time of annexation and consolidation.

(c) Upon annexation of territory which is subject to County or Township zoning regulations at the time of annexation, the zoning regulations in effect shall remain in full force and shall be enforced by the respective County or Township zoning officials until the Woodlawn Municipal Council, upon recommendation of the Planning Commission, officially rezones the territory. All territory which may hereafter be annexed to the Municipality, if already zoned, shall be continued in its existing zoning classification until amended in conformance with the procedures outlined in this Code.  
(Ord. 17-2013, passed 9-24-2013)

**CHAPTER 1262: R-S SINGLE-FAMILY LOW-DENSITY RESIDENCE DISTRICT**

Section

- 1262.01 Purpose.
- 1262.02 Principal permitted uses.
- 1262.03 Accessory permitted uses.
- 1262.04 Conditional permitted uses.
- 1262.05 Lot development standards.
- 1262.06 Minimum off-street parking requirements.
- 1262.07 Signage requirements.
- 1262.08 Landscape and buffer requirements.

**§ 1262.01 PURPOSE.**

The purpose of the R-S District is to provide land for residential uses in Woodlawn for the encouragement and establishment of low-density neighborhoods where sanitary sewer may or may not present and readily available and to provide a quiet, peaceful setting in which to live, free of commercial development.

(Ord. 17-2013, passed 9-24-2013)

**§ 1262.02 PRINCIPAL PERMITTED USES.**

The following uses are permitted as of right in the "R-S" District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
Single-family detached dwelling	None	None
Group homes		

(Ord. 17-2013, passed 9-24-2013)

**§ 1262.03 ACCESSORY PERMITTED USES.**

In an R-S District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the

regulations of Chapter 1296, Provisions Relating to All Districts:

- (a) Child Day Care; Type B as regulated by Ohio R.C. Chapter 5104.
- (b) Fences and walls six feet in height or less.
- (c) Garages, carports or other improved off-street parking spaces for the use of residents on the premises and their guests.
- (d) Gardening, the raising of vegetables or fruits and the keeping of household pets, excluding farm animals, exclusively for the use or personal enjoyment of the residents of the premises and not for commercial purposes.
- (e) Home occupation.
- (f) Outdoor storage.
- (g) Satellite dishes.
- (h) Sheds and similar type buildings subject to § 1296.03, Accessory Uses in Residential Districts.
- (i) Swimming pools.
- (j) Signs subject to Chapter 1292.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1262.04 CONDITIONAL PERMITTED USES.**

In an R-S District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with § 1254.08, Conditional Use Permits:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Educational Institution; Primary and Secondary Public and Semi-Public Uses Recreation Uses Religious Place of Worship	None

(Ord. 17-2013, passed 9-24-2013)

**§ 1262.05 LOT DEVELOPMENT STANDARDS.**

The following development standards shall apply to lots located within the R-S District:

[See table on following page]

Minimum lot area	1 acre (43,560 square feet) single-family detached dwelling 1-1/2 acre (65,340 square feet) all other uses Single-family detached dwellings that are not on public sanitary sewer shall be required to conform to the minimum lot size requirements of the Hamilton County Health District.
Maximum lot coverage	40% single-family dwellings 70% all other principal uses
Minimum lot width at frontage	100 feet single-family detached dwelling 150 feet all other principal uses
Minimum front yard setback	35 feet single-family detached dwelling 50 feet all other principal uses For infill development, if three or more dwellings are within 500 feet, then the average front yard setback shall be required
Minimum side yard setback	5 feet; 30 feet sum of side yard widths for single-family detached dwellings 30 feet; 50 feet sum of side yard widths for all other principal uses
Minimum rear yard setback	35 feet for single-family detached dwellings 50 feet for all other principal uses
Minimum square footage of single-family dwellings	2,000 square foot
Maximum building height	35 feet or 2-1/2 stories for principal structures 15 feet accessory structures

(Ord. 17-2013, passed 9-24-2013; Ord. 11-2017, passed 5-30-2017)

**§ 1262.06 MINIMUM OFF-STREET PARKING REQUIREMENTS.**

Off-street parking requirements shall be as regulated in Chapter 1294, Off-Street Parking and Loading.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1262.07 SIGNAGE REQUIREMENTS.**

Signage requirements shall be as regulated in Chapter 1292, Signs and Outdoor Advertising.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1262.08 LANDSCAPE AND BUFFER REQUIREMENTS.**

Landscape and Buffer requirements shall be as regulated in Chapter 1295, Screening and Landscaping.  
(Ord. 17-2013, passed 9-24-2013)



**CHAPTER 1264: R-2 SINGLE-FAMILY LOW-DENSITY RESIDENCE DISTRICT**

Section

- |                                     |  |
|-------------------------------------|--|
| 1264.01 Purpose.                    | 1264.06 Minimum off-street parking requirements. |
| 1264.02 Principal permitted uses.   | 1264.07 Signage requirements.                    |
| 1264.03 Accessory permitted uses.   | 1264.08 Landscape and buffer requirements.       |
| 1264.04 Conditional permitted uses. |  |
| 1264.05 Lot development standards.  |  |

**§ 1264.01 PURPOSE.**

The purpose of the R-2 District is to provide land for residential uses within Woodlawn for the encouragement and establishment of low density neighborhoods where sanitary sewer may or may not be present or readily available and to provide a quiet, peaceful setting in which to live, free of commercial development.  
(Ord. 17-2013, passed 9-24-2013)

established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1296, Provisions Relating to All Districts:

- (a) Child Day Care; Type B as regulated by Ohio R.C. Chapter 5104.
- (b) Fences and walls six feet in height or less.
- (c) Garages, carports or other improved off-street parking spaces for the use of residents on the premises and their guests.
- (d) Gardening, the raising of vegetables or fruits and the keeping of household pets, excluding farm animals, exclusively for the use or personal enjoyment of the residents of the premises and not for commercial purposes.
- (e) Home occupation.
- (f) Outdoor storage.
- (g) Satellite dishes.
- (h) Sheds and similar type buildings subject to § 1296.03, Accessory Uses in Residential Districts ("R" Districts).

**§ 1264.02 PRINCIPAL PERMITTED USES.**

The following uses are permitted as of right in the R-2 District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
Single-family detached dwelling	None	None
Group homes		

(Ord. 17-2013, passed 9-24-2013)

**§ 1264.03 ACCESSORY PERMITTED USES.**

In an R-2 District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be

(i) Swimming pools.

(j) Signs subject to Chapter 1292.  
 (Ord. 17-2013, passed 9-24-2013)

**§ 1264.04 CONDITIONAL PERMITTED USES.**

In an R-2 District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with § 1254.08, Conditional Use Permits:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Educational institution; primary and secondary  Public and semi-public uses  Recreation uses  Religious place of worship	None

(Ord. 17-2013, passed 9-24-2013)

**§ 1264.05 LOT DEVELOPMENT STANDARDS.**

The following development standards shall apply to lots located within the R-2 District:

[See table on following page]

Minimum lot area	1/2 acre (21,780 square feet) single-family detached dwelling 1-1/2 acre (65,340 square feet) all other uses Single-family detached dwellings that are not on public sanitary sewer shall be required to conform to the minimum lot size requirements of the Hamilton County Health District.
Maximum lot coverage	40% single-family dwellings 70% all other principal uses
Minimum lot width at frontage	100 feet
Minimum front yard setback	40 feet single-family detached dwelling 45 feet all other principal uses For infill development, if three or more dwellings are within 500 feet, then the average front yard setback shall be required
Minimum side yard setback	5 feet; 30 feet sum of side yard widths for single-family detached dwellings 30 feet; 60 feet sum of side yard widths for all other principal uses
Minimum rear yard setback	35 feet for single-family detached dwellings 40 feet for all other principal uses
Minimum square footage of single-family dwellings	2,000 square foot
Maximum building height	35 feet or 2-1/2 stories for principal structures 15 feet accessory structures

(Ord. 17-2013, passed 9-24-2013; Ord. 11-2017, passed 5-30-2017)

**§ 1264.06 MINIMUM OFF-STREET PARKING REQUIREMENTS.**

Off-street parking requirements shall be as regulated in Chapter 1294, Off-Street Parking and Loading.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1264.07 SIGNAGE REQUIREMENTS.**

Signage requirements shall be as regulated in Chapter 1292, Signs and Outdoor Advertising.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1264.08 LANDSCAPE AND BUFFER REQUIREMENTS.**

Landscape and buffer requirements shall be as regulated in Chapter 1295, Screening and Landscaping.  
(Ord. 17-2013, passed 9-24-2013)





**CHAPTER 1266: R-3 SINGLE-FAMILY MEDIUM-DENSITY RESIDENCE DISTRICT**

Section

- |                                     |  |
|-------------------------------------|--|
| 1266.01 Purpose.                    | 1266.06 Minimum off-street parking requirements. |
| 1266.02 Principal permitted uses.   | 1266.07 Signage requirements.                    |
| 1266.03 Accessory permitted uses.   | 1266.08 Landscape and buffer requirements.       |
| 1266.04 Conditional permitted uses. |  |
| 1266.05 Lot development standards.  |  |

**§ 1266.01 PURPOSE.**

The purpose of the R-3 District is to provide land for residential uses in Woodlawn for the encouragement and establishment of medium density neighborhoods where sanitary sewer may or may not present or readily available and to provide a quiet, peaceful setting in which to live, free of commercial development.

(Ord. 17-2013, passed 9-24-2013)

**§ 1266.02 PRINCIPAL PERMITTED USES.**

The following uses are permitted as of right in the R-3 District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
Single-family detached dwelling		
Group homes	None	None

(Ord. 17-2013, passed 9-24-2013)

**§ 1266.03 ACCESSORY PERMITTED USES.**

In an R-3 District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses

may include the following and shall conform to the regulations of Chapter 1296, Provisions Relating to All Districts:

- (a) Child Day Care; Type B as regulated by Ohio R.C. Chapter 5104.
- (b) Fences and walls six feet in height or less.
- (c) Garages, carports or other improved off-street parking spaces for the use of residents on the premises and their guests.
- (d) Gardening, the raising of vegetables or fruits and the keeping of household pets, excluding farm animals, exclusively for the use or personal enjoyment of the residents of the premises and not for commercial purposes.
- (e) Home occupation.
- (f) Outdoor storage.
- (g) Satellite dishes.
- (h) Sheds and similar type buildings subject to § 1296.03, Accessory Uses in Residential Districts ("R" Districts).
- (i) Swimming pools.

(j) Signs subject to Chapter 1292.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1266.04 CONDITIONAL PERMITTED USES.**

In an R-3 District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with § 1254.08, Conditional Use Permits:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
Single-family attached dwelling  Two-family dwelling	Public and semi-public uses  Recreation uses  Religious place of worship	None

(Ord. 17-2013, passed 9-24-2013)

**§ 1266.05 LOT DEVELOPMENT STANDARDS.**

The following development standards shall apply to lots located within the R-3 District:

[See table on following page]

Minimum lot area	1/4 acre (10,890 square feet) single-family detached dwelling 3/4 acres (32,670 square feet) two-family dwelling 1-1/2 acre (65,340 square feet) all other uses Single-family detached dwellings and two-family dwellings that are not on public sanitary sewer shall be required to conform to the minimum lot size requirements of the Hamilton County Health District.
Maximum lot coverage	40% single-family dwellings 70% all other principal uses
Minimum lot width at frontage	85 feet single-family detached dwelling 100 feet all other principal uses
Minimum front yard setback	40 feet single-family detached dwelling 45 feet all other principal uses For infill development, if three or more dwellings are within 500 feet, then the average front yard setback shall be required
Minimum side yard setback	5 feet; 30 feet sum of side yard widths for single-family detached dwellings 15 feet; 60 feet sum of side yard widths for all other principal uses
Minimum rear yard setback	35 feet for single-family detached dwellings 40 feet for all other principal uses
Minimum square footage of single-family dwellings	1,400 square foot
Maximum building height	35 feet or 2-1/2 stories for principal structures 15 feet accessory structures

(Ord. 17-2013, passed 9-24-2013; Ord. 11-2017, passed 5-30-2017)

**§ 1266.06 MINIMUM OFF-STREET PARKING REQUIREMENTS.**

Off-street parking requirements shall be as regulated in Chapter 1294, Off-Street Parking and Loading.

(Ord. 17-2013, passed 9-24-2013)

**§ 1266.07 SIGNAGE REQUIREMENTS.**

Signage requirements shall be as regulated in Chapter 1292, Signs and Outdoor Advertising.

(Ord. 17-2013, passed 9-24-2013)

**§ 1266.08 LANDSCAPE AND BUFFER REQUIREMENTS.**

Landscape and Buffer requirements shall be as regulated in Chapter 1295, Screening and Landscaping.

(Ord. 17-2013, passed 9-24-2013)



**CHAPTER 1268: R-M MULTI-FAMILY RESIDENCE DISTRICT**

Section

- |                                     |  |
|-------------------------------------|--|
| 1268.01 Purpose.                    | 1268.06 Minimum off-street parking requirements. |
| 1268.02 Principal permitted uses.   | 1268.07 Signage requirements.                    |
| 1268.03 Accessory permitted uses.   | 1268.08 Landscape and buffer requirements.       |
| 1268.04 Conditional permitted uses. | 1268.09 Site plan review required.               |
| 1268.05 Lot development standards.  |  |

**§ 1268.01 PURPOSE.**

The purpose of the R-M District is to provide land for more intensive residential uses in Woodlawn for the encouragement and establishment of multi-family dwellings where sanitary sewer is present or readily available and to provide a quiet, peaceful setting in which to live provided that an adequate review is conducted in accordance with this Code. (Ord. 17-2013, passed 9-24-2013)

**§ 1268.02 PRINCIPAL PERMITTED USES.**

The following uses are permitted as of right in the R-M District:

Residential Uses	Public and Semi-Public Uses	Commercial uses
Group homes	Public and semi-public uses	None
Multi-family dwelling		
Single-family attached dwelling		
Two-family dwelling		

(Ord. 17-2013, passed 9-24-2013)

**§ 1268.03 ACCESSORY PERMITTED USES.**

In an R-M District, accessory uses, buildings or other structures customarily incidental to any

permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1296, Provisions Relating to All Districts:

- (a) Child Day Care; Type B as regulated by Ohio R.C. Chapter 5401.
- (b) Fences and walls six feet in height or less.
- (c) Garages, carports or other improved off-street parking spaces for the use of residents on the premises and their guests.
- (d) Gardening, the raising of vegetables or fruits and the keeping of household pets, excluding farm animals, exclusively for the use or personal enjoyment of the residents of the premises and not for commercial purposes.
- (e) Home occupation.
- (f) Outdoor storage.
- (g) Satellite dishes.
- (h) Sheds and similar type buildings subject to Section 1296.03, Accessory Uses in Residential Districts ("R" Districts).
- (i) Swimming pools.

(j) Signs subject to Chapter 1292.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1268.04 CONDITIONAL PERMITTED USES.**

In an R-M District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with § 1254.08, Conditional Use Permits:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Recreation uses Religious place of worship	None

(Ord. 17-2013, passed 9-24-2013)

**§ 1268.05 LOT DEVELOPMENT STANDARDS.**

The following development standards shall apply to lots located within the R-M District:

[See table on following page]

Minimum lot area	1/4 acre (10,890 square feet) for each residential dwelling unit* 1-1/2 acre (65,340 square feet) all other principal uses Dwellings that are not on public sanitary sewer shall be required to conform to the minimum lot size requirements of the Hamilton County Health District. * The Planning Commission is required to approve any density increase greater than four dwelling units per acre (1/4 acre per dwelling unit) prior to the issuance of a zoning permit or building permit.
Maximum lot coverage	70% all uses
Minimum lot width at frontage	50 feet for each dwelling unit directly fronting and parallel to the frontage of the lot 85 feet all other principal uses
Minimum front yard setback	40 feet all uses
Minimum side yard setback	15 feet; 30 feet sum of side yard widths for residential dwellings 20 feet; 40 feet sum of side yard widths for all other principal uses
Minimum rear yard setback	30 feet for single-family detached dwellings 30 feet for all other principal uses
Minimum square footage of single-family dwellings	1,400 square foot
Maximum building height	35 feet or 2-1/2 stories for principal structures 15 feet accessory structures

(Ord. 17-2013, passed 9-24-2013; Ord. 11-2017, passed 5-30-2017)

**§ 1268.06 MINIMUM OFF-STREET PARKING REQUIREMENTS.**

Off-street parking requirements shall be as regulated in Chapter 1294, Off-Street Parking and Loading.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1268.07 SIGNAGE REQUIREMENTS.**

Signage requirements shall be as regulated in Chapter 1292, Signs and Outdoor Advertising.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1268.08 LANDSCAPE AND BUFFER REQUIREMENTS.**

Landscape and buffer requirements shall be as regulated in Chapter 1295, Screening and Landscaping.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1268.09 SITE PLAN REVIEW REQUIRED.**

Site plan review is required by the Planning Commission for all residential projects greater than two dwelling units per individual lot. Site plans shall conform to the regulations of § 1254.12, Site Plan Review.  
(Ord. 17-2013, passed 9-24-2013)





**CHAPTER 1270: O-S OPEN SPACE DISTRICT**

Section

- |                                     |  |
|-------------------------------------|--|
| 1270.01 Purpose.                    | 1270.06 Minimum off-street parking requirements. |
| 1270.02 Principal permitted uses.   | 1270.07 Signage requirements.                    |
| 1270.03 Accessory permitted uses.   | 1270.08 Landscape and buffer requirements.       |
| 1270.04 Conditional permitted uses. |  |
| 1270.05 Lot development standards.  |  |

**§ 1270.01 PURPOSE.**

The purpose of the O-S District is to preserve and protect open spaces and parks in Woodlawn. Development is permitted in this District only if it is by a public agency and is recreational in nature. (Ord. 17-2013, passed 9-24-2013)

- (b) Fences and walls six feet in height or less.
  - (c) Garden center or greenhouse.
  - (d) Outdoor storage.
  - (e) Sheds or other utility-type buildings.
  - (f) Signs subject to Chapter 1292.
- (Ord. 17-2013, passed 9-24-2013)

**§ 1270.02 PRINCIPAL PERMITTED USES.**

The following uses are permitted as of right in the O-S District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Recreation uses	None

(Ord. 17-2013, passed 9-24-2013)

**§ 1270.03 ACCESSORY PERMITTED USES.**

In an O-S District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1296, Provisions Relating to All Districts:

- (a) Concession stand and food service if related to the park operation of the public agency.

**§ 1270.04 CONDITIONAL PERMITTED USES.**

In an O-S District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Section 1254.08, Conditional Use Permit:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Professional, business or administrative offices related to the park operation of the public agency	Private recreational uses  Meeting and banquet halls

(Ord. 17-2013, passed 9-24-2013)

**§ 1270.05 LOT DEVELOPMENT STANDARDS.**

The following development standards shall apply to lots located within the O-S District:

Minimum lot area	1-1/2 acres (65,340 square feet)
Maximum lot coverage	25% all uses
Minimum lot width at frontage	100 feet all uses
Minimum front yard setback	45 feet all uses
Minimum side yard setback	30 feet; 60 feet sum of side yard widths
Minimum rear yard setback	40 feet for all uses
Maximum building height	35 feet or 2-1/2 stories for principal structures 15 feet accessory structures

(Ord. 17-2013, passed 9-24-2013)

**§ 1270.06 MINIMUM OFF-STREET PARKING REQUIREMENTS.**

Off-street parking requirements shall be as regulated in Chapter 1294, Off-Street Parking and Loading.

(Ord. 17-2013, passed 9-24-2013)

**§ 1270.08 LANDSCAPE AND BUFFER REQUIREMENTS.**

Landscape and buffer requirements shall be as regulated in Chapter 1295, Screening and Landscaping.

(Ord. 17-2013, passed 9-24-2013)

**§ 1270.07 SIGNAGE REQUIREMENTS.**

Signage requirements shall be as regulated in Chapter 1292, Signs and Outdoor Advertising.

(Ord. 17-2013, passed 9-24-2013)

**CHAPTER 1272: C-C CIVIC CENTER DISTRICT**

Section

- |                                     |  |
|-------------------------------------|--|
| 1272.01 Purpose.                    | 1272.05 Lot development standards.               |
| 1272.02 Principal permitted uses.   | 1272.06 Minimum off-street parking requirements. |
| 1272.03 Accessory permitted uses.   | 1272.07 Signage requirements.                    |
| 1272.04 Conditional permitted uses. |  |

**§ 1272.01 PURPOSE.**

The purpose of the C-C District is to provide a district suited to address the needs of Woodlawn residents with respect to Federal, State and local governmental services.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1272.02 PRINCIPAL PERMITTED USES.**

The following uses are permitted as of right in the C-C District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Public and semi-public uses Public recreation uses	None

(Ord. 17-2013, passed 9-24-2013)

**§ 1272.03 ACCESSORY PERMITTED USES.**

In a C-C District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1296, Provisions Relating to All Districts:

- (a) Fences and walls six feet in height or less.

- (b) Outdoor storage.

- (c) Sheds or other utility-type buildings.

- (d) Signs subject to Chapter 1292.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1272.04 CONDITIONAL PERMITTED USES.**

In a C-C District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with Section 1254.08, Conditional Use Permit:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	None	Clubs Private recreational uses

(Ord. 17-2013, passed 9-24-2013)

**§ 1272.05 LOT DEVELOPMENT STANDARDS.**

The following development standards shall apply to lots located within the C-C District:

[See table on following page]

Minimum lot area	1-1/2 acres (65,340 square feet)
Maximum lot coverage	75% all uses
Minimum lot width at frontage	100 feet all uses
Minimum front yard setback	45 feet all uses
Minimum side yard setback	30 feet; 60 feet sum of side yard widths
Minimum rear yard setback	40 feet for all uses
Maximum building height	35 feet or 2-1/2 stories for principal structures 15 feet accessory structures

(Ord. 17-2013, passed 9-24-2013)

**§ 1272.06 MINIMUM OFF-STREET PARKING REQUIREMENTS.**

Off-street parking requirements shall be as regulated in Chapter 1294, Off-Street Parking and Loading.

(Ord. 17-2013, passed 9-24-2013)

**§ 1272.08 LANDSCAPE AND BUFFER REQUIREMENTS.**

Landscape and Buffer requirements shall be as regulated in Chapter 1295, Screening and Landscaping.

(Ord. 17-2013, passed 9-24-2013)

**§ 1272.07 SIGNAGE REQUIREMENTS.**

Signage requirements shall be as regulated in Chapter 1292, Signs and Outdoor Advertising.

(Ord. 17-2013, passed 9-24-2013)

**CHAPTER 1274: D-1 DOWNTOWN BUSINESS DISTRICT**

Section

- |                                     |  |
|-------------------------------------|--|
| 1274.01 Purpose.                    | 1274.06 Minimum off-street parking requirements. |
| 1274.02 Principal permitted uses.   | 1274.07 Signage requirements.                    |
| 1274.03 Accessory permitted uses.   | 1274.08 Landscape and buffer requirements.       |
| 1274.04 Conditional permitted uses. |  |
| 1274.05 Lot development standards.  |  |

**§ 1274.01 PURPOSE.**

The purpose of the D-1 District is to provide for the development of the properties along Springfield Pike to promote and to maximize the general and economic welfare of Woodlawn and to create an environment that encourages quality economic development, allowing a mixture of retail and office uses.

(Ord. 17-2013, passed 9-24-2013)

**§ 1274.02 PRINCIPAL PERMITTED USES.**

The following uses are permitted as of right in the D-1 District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Hospitals  Public and semi-public uses	Commercial entertainment Hotels and motels Medical and dental clinics and laboratories Personal services Professional, business or administrative offices Restaurant Retail business

(Ord. 17-2013, passed 9-24-2013)

**§ 1274.03 ACCESSORY PERMITTED USES.**

In a D-1 District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1296, Provisions Relating to All Districts:

- (a) Fences and walls six feet in height or less.
- (b) Outdoor storage.
- (c) Sheds or other utility-type buildings.
- (d) Signs subject to Chapter 1292.

(Ord. 17-2013, passed 9-24-2013)

**§ 1274.04 CONDITIONAL PERMITTED USES.**

In a D-1 District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with § 1254.08, Conditional Use Permit:

[See table on following page]

Residential Uses	Public and Semi-Public Uses	Commercial Uses
<p>Accessory apartment dwellings when combined with a retail business. Units must be on upper floors or to the back of the building.</p> <p>Nursing home, convalescent home and assisted living facilities</p>	<p>Public recreation uses</p>	<p>Bar or tavern</p> <p>Day care facility</p> <p>Clubs</p> <p>Drive-through facility when accessory to a permitted use</p> <p>Garden center or greenhouse</p> <p>Light industrial in accordance with the performance standards of § 1296.15</p> <p>Motor vehicle service and filling stations</p> <p>Mixed uses</p> <p>More than one principal building on property</p> <p>Private recreational uses</p> <p>Restaurant, fast food</p> <p>Training centers</p>

(Ord. 17-2013, passed 9-24-2013)

**§ 1274.05 LOT DEVELOPMENT STANDARDS.**

The following development standards shall apply to lots located within the D-1 District:

Minimum lot area	3/4 acre (32,670 square feet)
Maximum lot coverage	80% all uses
Minimum lot width at frontage	100 feet all uses
Minimum front yard setback	40 feet all uses
Minimum side yard setback	10 feet; 30 feet sum of side yard widths
Minimum rear yard setback	20 feet for all uses 40 feet if property abuts the West Fork of the Mill Creek
Maximum building height	45 feet or 3 stories for principal structures 15 feet accessory structures

(Ord. 17-2013, passed 9-24-2013)

**§ 1274.06 MINIMUM OFF-STREET PARKING REQUIREMENTS.**

Off-street Parking requirements shall be as regulated in Chapter 1294, Off-Street Parking and Loading.

(Ord. 17-2013, passed 9-24-2013)

**§ 1274.07 SIGNAGE REQUIREMENTS.**

Signage requirements shall be as regulated in Chapter 1292, Signs and Outdoor Advertising.

(Ord. 17-2013, passed 9-24-2013)

**§ 1274.08 LANDSCAPE AND BUFFER REQUIREMENTS.**

Landscape and buffer requirements shall be as regulated in Chapter 1295, Screening and Landscaping.

(Ord. 17-2013, passed 9-24-2013)





**CHAPTER 1276: I-P INDUSTRIAL PARK DISTRICT**

Section

- |                                     |  |
|-------------------------------------|--|
| 1276.01 Purpose.                    | 1276.06 Minimum off-street parking requirements. |
| 1276.02 Principal permitted uses.   | 1276.07 Signage requirements.                    |
| 1276.03 Accessory permitted uses.   | 1276.08 Landscape and buffer requirements.       |
| 1276.04 Conditional permitted uses. |  |
| 1276.05 Lot development standards.  |  |

**§ 1276.01 PURPOSE.**

The purpose of the I-P District is to provide for the development of the properties along Springfield Pike to promote and to maximize the general and economic welfare of Woodlawn and to create an environment that encourages quality economic development, allowing a mixture of retail and office uses.

(Ord. 17-2013, passed 9-24-2013)

**§ 1276.02 PRINCIPAL PERMITTED USES.**

The following uses are permitted as of right in the I-P District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Public and semi-public uses	Development and research facilities Distribution center Light industrial in accordance with the performance standards of § 1296.15 Professional, business or administrative offices Storage warehouses Truck transfer terminal

(Ord. 17-2013, passed 9-24-2013)

**§ 1276.03 ACCESSORY PERMITTED USES.**

In an I-P District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1296, Provisions Relating to All Districts:

- (a) Fences and walls six feet in height or less.
- (b) More than one principal building on property.
- (c) Outdoor storage.
- (d) Sheds or other utility-type buildings.
- (e) Signs subject to Chapter 1292.

(Ord. 17-2013, passed 9-24-2013)

**§ 1276.04 CONDITIONAL PERMITTED USES.**

In an I-P District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with § 1254.08, Conditional Use Permit:

[See table on following page]

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	None	Garden center or greenhouse Medical or dental laboratories Motor vehicle service station and body shops Retail business; if accessory and subordinate to the principal permitted use and occupying no more than 35% of the total building or lot Self storage warehouse facility Sexually oriented business Training center

(Ord. 17-2013, passed 9-24-2013)

**§ 1276.05 LOT DEVELOPMENT STANDARDS.**

The following development standards shall apply to lots located within the I-P District:

Minimum lot area	1-1/2 acres (65,340 square feet)
Maximum lot coverage	80% all uses
Minimum lot width at frontage	100 feet all uses
Minimum front yard setback	40 feet all uses 50 feet for properties fronting on Glendale Milford Road
Minimum side yard setback	25 feet; 50 feet sum of side yard widths
Minimum rear yard setback	20 feet for all uses 40 feet if property abuts the West Fork of the Mill Creek
Maximum building height	75 feet for principal structures 25 feet accessory structures

(Ord. 17-2013, passed 9-24-2013)

**§ 1276.06 MINIMUM OFF-STREET PARKING REQUIREMENTS.**

Off-street parking requirements shall be as regulated in Chapter 1294, Off-Street Parking and Loading.

(Ord. 17-2013, passed 9-24-2013)

**§ 1276.07 SIGNAGE REQUIREMENTS.**

Signage requirements shall be as regulated in Chapter 1292, Signs and Outdoor Advertising.

(Ord. 17-2013, passed 9-24-2013)

**§ 1276.08 LANDSCAPE AND BUFFER  
REQUIREMENTS.**

Landscape and buffer requirements shall be as regulated in Chapter 1295, Screening and Landscaping.  
(Ord. 17-2013, passed 9-24-2013)



**CHAPTER 1280: GMC GLENDALE MILFORD ROAD CORRIDOR OVERLAY DISTRICT**

Section

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|--|--|
| 1280.01 Purpose.                                 | 1280.07 Signage requirements.              |
| 1280.02 Principal permitted uses.                | 1280.08 Landscape and buffer requirements  |
| 1280.03 Accessory permitted uses.                | 1280.09 Approval process.                  |
| 1280.04 Conditional permitted uses.              | 1280.10 Design standards.                  |
| 1280.05 Lot development standards.               | 1280.11 Modifications to design standards. |
| 1280.06 Minimum off-street parking requirements. |  |

**§ 1280.01 PURPOSE.**

The purpose of the Glendale-Milford Road Corridor Overlay District is to provide an opportunity for a mixture of land uses along the Glendale-Milford Road corridor by allowing development of a limited range of retail and service commercial uses to compliment and serve the needs of the existing surrounding and underlying I-P Industrial Park uses without threatening the integrity of the corridor as a transportation route or threatening the composition of the Industrial Park as an employment base for Woodlawn. The Overlay District is intended to allow complimentary uses that will improve the mix of businesses and services in Woodlawn, without creating negative impacts. Only lots of record with frontage on Glendale-Milford Road are within the Glendale-Milford Road Corridor Overlay District. (Ord. 17-2013, passed 9-24-2013; Am. Ord. 36-2014, passed 10-28-2014)

**§ 1280.02 PRINCIPAL PERMITTED USES.**

The following uses are permitted as of right in the GMC Overlay District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Educational institutions  Public and semi-public uses	Development and research facilities  Distribution center  Light industrial in accordance with the performance standards of § 1296.15  Professional, business or administrative offices

(Ord. 17-2013, passed 9-24-2013; Ord. 05-2016, passed 3-29-2016)

**§ 1280.03 ACCESSORY PERMITTED USES.**

In a GMC Overlay District, accessory uses, buildings or other structures customarily incidental to any permitted or conditionally permitted uses may be established, erected or constructed. Accessory uses may include the following and shall conform to the regulations of Chapter 1296, Provisions Relating to All Districts:

- (a) Fences and walls six feet in height or less.

- (b) Outdoor storage.
- (c) Signs subject to Chapter 1292.
- (d) Sheds or other utility-type buildings.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1280.04 CONDITIONAL PERMITTED USES.**

In a GMC Overlay District, the following uses shall be permitted only if specifically authorized by the Planning Commission in accordance with § 1254.08, Conditional Use Permits:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
Nursing home, convalescent home and assisted living facilities	None	Retail showroom accessory to a permitted use Convenience retail Convenience retail with gasoline sales Restaurant Financial institution Personal services Motor vehicle service station and filling station including automated car washes Storage warehouses Truck transfer terminal

(Ord. 17-2013, passed 9-24-2013; Ord. 05-2016, passed 3-29-2016)

**§ 1280.05 LOT DEVELOPMENT STANDARDS.**

The following development standards shall apply to lots located within the GMC Overlay District:

[See table on following page]

Minimum lot area	1 acre (43,560 square feet)
Maximum lot coverage	80% all uses
Minimum lot width at frontage	100 feet all uses
Minimum front yard setback	40 feet all uses 50 feet for properties fronting on Glendale Milford Road
Minimum side yard setback	25 feet; 50 feet sum of side yard widths
Minimum rear yard setback	20 feet
Maximum building height	75 feet for principal structures 25 feet accessory structures

(Ord. 17-2013, passed 9-24-2013)

#### § 1280.06 MINIMUM OFF-STREET PARKING REQUIREMENTS.

Off-Street parking requirements shall be as regulated in Chapter 1294, Off-Street Parking and Loading.

(Ord. 17-2013, passed 9-24-2013)

#### § 1280.07 SIGNAGE REQUIREMENTS.

Signage requirements shall be as regulated in Chapter 1292, Signs and Outdoor Advertising.

(Ord. 17-2013, passed 9-24-2013)

#### § 1280.08 LANDSCAPE AND BUFFER REQUIREMENTS.

Landscape and buffer requirements shall be as regulated in Chapter 1295, Screening and Landscaping.

(Ord. 17-2013, passed 9-24-2013)

#### § 1280.09 APPROVAL PROCESS.

Applications within the Glendale-Milford Road Corridor Overlay District for uses other than principally permitted uses shall obtain conditional use approval from the Planning Commission. The Planning Commission shall evaluate the proposed uses based on the standards for conditional uses within § 1254.08, Conditional Use Permit. Planning

Commission shall refer any development plan within the GMC Overlay District to Council with a recommendation for approval, approval with modifications or conditions, or disapproval. A public hearing shall be scheduled by Council to hear the request and render a decision.

(a) *Application.* These guidelines and regulations shall apply to all properties located within the Glendale-Milford Road Corridor Overlay District as identified on the Official Zoning Map of Woodlawn. The guidelines and regulations shall be applied as follows:

(1) Any new development or redevelopment of property which occurs within this overlay district that is not part of a Planned Unit Development (Chapter 1288) shall conform to all of the standards in § 1280.10, Design Standards, as requirements, where applicable and follow the processes and procedures of § 1254.12, Site Plan Review.

(2) Any new development or redevelopment which occurs within this overlay district that is part of a Planned Unit Development (Chapter 1288) shall follow all of the standards in § 1280.10, Design Standards, as guidelines.

Where the standards and requirements identified in this chapter fall silent on specific development standards or requirements, the underlying zoning



district shall provide such standard(s) or requirement(s).

In instances of conflict between the regulations in this chapter and another chapter in this Zoning Code, the uses, regulations and standards of this chapter shall prevail.

(b) *Development review.* The review of any development or redevelopment of properties within the Glendale-Milford Road Corridor Overlay District shall occur as follows:

(1) Any new development, reuse or substantial redevelopment which occurs within this overlay district that is not part of a Planned Unit Development (Chapter 1288) shall be reviewed and approved by the Planning Commission to assure that all design standards of § 1282.05, where applicable, are met. For the purposes of this chapter, **SUBSTANTIAL REDEVELOPMENT** shall mean:

If the Square Foot of Building is:	A Substantial Expansion is:
0 - 5,000	50%
5,001 - 10,000	40%
10,001 - 50,000	30%
50,001 and larger	20%

(2) Any new development or redevelopment which occurs within this overlay district that is part of a Planned Unit Development shall be reviewed for general compliance of all design standards of § 1282.05, where applicable, during the approval process specified by Chapter 1288, Planned Unit Development. As part of a Planned Unit Development, the regulations and standards in this chapter, with the exception of permitted uses, shall serve as guidelines and not requirements.

(3) Any redevelopment that does not fall under § 1280.09(b)(1) or (b)(2) above shall be administratively reviewed and approved by the Zoning Officer to assure that all of the requirements of this

chapter, where applicable, are met. The Zoning Officer may request the assistance of the Planning Commission, if necessary, for additional review and input.

(Ord. 17-2013, passed 9-24-2013)

§ 1280.10 DESIGN STANDARDS.

The following design standards shall be clearly identified on drawings, renderings, or a combination of both, submitted to the Municipality for review and approval as per § 1280.09. Plans shall be drawn at a scale to adequately depict the proposed development or redevelopment project. Site plans and elevations shall be included and noted, as necessary, to accurately depict the proposed development or redevelopment project.

(a) *Site development standards.*

(1) *Lot coverage.* Development on parcels shall be limited to 80% coverage by impervious surfaces. Impervious surfaces shall include sidewalks, off-street parking spaces, driveways, building footprints and other hardscape that does not permit the absorption of storm water.

(2) *Utilities.* All on-site utilities shall be located underground.

(3) *Driveways.* A maximum of one driveway opening shall be permitted for each property on each abutting street for every 250 linear feet of frontage. For corner lots, the locations of the driveways shall be setback a minimum of 50 feet from the face of curb of the intersecting street or as otherwise approved by the Municipal Engineer. If a driveway is not shared between parcels the minimum setback from a property line shall be 20 feet.

(4) *Cross easements.* As properties develop or redevelop, efforts shall be made to provide for cross easement access to adjoining properties and the consolidation of curb cuts upon development or redevelopment to the fullest extent possible.

(5) *Off-street parking.* Off-street parking shall comply with Chapter 1294, Off-Street Parking and Loading and the following regulations:

A. Off-street parking shall be located to the rear or side of the property to the fullest extent possible.

B. Parking located between the building façade and the right-of-way shall be separated from the sidewalk by a landscaped buffer strip (e.g. row of hedges, knee wall, grass strip with plantings, etc.).

(6) *Pedestrian access.* Developed and redeveloped parcels shall include the dedication of an easement to allow for sidewalk shift away from the street and closer to the principal structure on the lot.

(7) *Outdoor storage.* Outdoor storage and service structures (dumpsters, mechanical equipment, etc.) shall be regulated as established in Chapter 1296, Provisions Relating to All Districts.

(8) *Signage.* Commercial signage shall be limited to advertising on-premise businesses and shall comply with Chapter 1292, Signage and Outdoor Advertising and the following regulations:

A. Ground-mounted or monument signage shall incorporate design elements and/or materials of the principal building or structure.

B. Where multiple adjacent parcels are developed under one cohesive development, one larger ground mounted sign may be permitted for the entire development. Such sign shall replace the individual ground mounted signs for each individual parcel.

C. At a minimum, all ground-mounted or monument signage shall be landscaped at the base of the sign in an area equal to twice the total square footage of all faces of the sign.

(9) *Landscaping and screening.* Landscaping and screening shall comply with Chapter 1295, Screening and Landscaping, and the following regulations:

A. All pervious areas of the site shall be adequately landscaped with a mix of trees, shrubs, plants and/or grass and maintained in good condition free of weeds and debris. Mulch beds without plant material shall not be permitted.

B. Landscaping located continuously around the perimeter of off-street parking areas shall be installed, with the exception of access drives and areas where cross easements or cross access between properties occurs. Such landscaped area shall be a minimum of four feet in width.

(b) *Building design standards.*

(1) *Colors.* Façade colors shall not include metallic, black or fluorescent colors. Colors shall be limited to muted natural colors and earth tones. Building trim may include brighter colors than the façade colors when complementing the primary building color.

(2) *Physical separations.* Building or structures shall be physically separated from any off-street parking area by planted areas (grass or other landscaping) and a full depth, vertical barrier curb per Municipal Engineering standards and Chapters 1294, Off-Street Parking and 1295, Screening and Landscaping. Sidewalks shall be installed, where necessary, to provide safe pedestrian access to and from the building from the sidewalk and off-street parking areas.

(3) *Building heights.*

A. Principal buildings shall not exceed a height of 70 feet as measured from the centerline of Glendale-Milford Road.

B. Accessory buildings shall not exceed a height of 25 feet as measured from the building grade of the accessory building or structure.

(4) *Facades.*

A. No blank, uninterrupted façades shall be permitted where visible from a right-of-way. The use of windows, doors and/or other architectural features shall be required at regular intervals to break up a blank wall. The use of false windows as an architectural feature may be permitted upon review by the Planning Commission. Planting areas and landscaped beds may be permitted in place of architectural features (e.g. 20 lineal feet of landscaping for every 100 feet of building length) if the height of the landscape material is at least half the height of the building or structure upon review and approval of the Planning Commission.

B. Buildings with facades visible from a right-of-way and greater than 100 feet in length shall incorporate recesses or projections of a minimum of two feet in depth.

C. Building facades shall include a repeating pattern including no less than three of the following elements: color change, texture change, material change or the inclusion of architectural features no less than 36 inches in width such as offsets, bays, marquees, etc. At least one of these elements shall repeat horizontally.

D. All sides of a building or structure that are visible from any right-of-way or residentially zoned property shall be finished with the same materials utilized on the front façade to provide a finished faced towards all locations visible to the public.

E. The predominant exterior building material (greater than 60 percent) shall be brick, natural stone, tinted and textured concrete masonry units or similar material. Vinyl, wood or metal cladding is not permitted with the exception of minor trim.

F. Smooth face concrete block may only be used for buildings greater than 20,000 square feet in floor area for no more than 20 percent of the cladding and then, only in areas not visible to the public. Tilt up concrete panels, mirrored glass or prefabricated steel panels shall not be permitted as exterior materials.

(5) *Rooflines.* Rooflines shall have a change in height for at least every 50 lineal feet in building length unless it is a single tenant building that exceeds a length of 200 feet. If a single-tenant building exceeds 200 feet the roofline shall change in height for at least every 75 feet for facades visible from right-of-ways. Modifications in the roofline do not need to be uniformly spaced but shall be proportional to the massing of the building.

(6) *Building orientation.* The primary building entrance shall be oriented towards Glendale-Milford Road.

(7) *Accessory structures.* Accessory structures shall be constructed of the same materials and colors as the principal building.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1280.11 MODIFICATIONS TO DESIGN STANDARDS.**

Modifications to the overlay design standards of this chapter, as they will apply to an individual property, shall occur in one of two ways:

(a) If the new development or redevelopment is in a Planned Unit Development, any modification shall be requested by the applicant as a part of the Planned Unit Development process (Chapter 1288).

(b) If the development or redevelopment is not in a Planned Unit Development, any modification relating to the subject property or properties shall be requested by the applicant, in writing, to the Planning Commission for review and approval. The Planning Commission shall review the request for modification with respect to the design guidelines established in this

chapter and as per the requirements of § 1254.12, Site Plan Review and only grant such modification if the applicant can show to Planning Commission practical difficulties in the strict application of the requirements of this chapter.

No modification to the design guidelines as they relate to the subject property for which the modification(s) were requested shall be construed to apply to this chapter as a whole nor shall they be construed to apply to other properties.  
(Ord. 17-2013, passed 9-24-2013)



## CHAPTER 1282: SP SPRINGFIELD PIKE CORRIDOR DISTRICT

### Section

1282.01 Purpose.

1282.02 Application.

1282.03 Development review.

1282.04 Permitted and conditional uses.

1282.05 Design standards.

1282.06 Modifications to design standards.

### § 1282.01 PURPOSE.

The Springfield Pike Corridor District is established to provide guidelines and regulations to ensure that the site design, physical function and appearance of the properties in this District reinforce the vision, goals and objectives of the Woodlawn Comprehensive Plan as they relate to Springfield Pike. (Ord. 17-2013, passed 9-24-2013)

### § 1282.02 APPLICATION.

These guidelines and regulations shall apply to all properties located within the Springfield Pike Corridor District as identified on the Official Zoning Map of Woodlawn. The guidelines and regulations shall be applied as follows:

(a) Any new development or redevelopment of property which occurs within this district that is not part of a Planned Unit Development (Chapter 1288) shall conform to all of the standards in § 1282.05, Design Standards, as requirements, where applicable and follow the processes and procedures of § 1254.12, Site Plan Review.

(b) Any new development or redevelopment which occurs within this district that is part of a Planned Unit Development (Chapter 1288) shall follow all of the standards in § 1282.05, Design Standards, as guidelines.

Where the standards and requirements identified in this chapter fall silent on specific development

standards or requirements, the underlying zoning district shall provide such standard(s) or requirement(s).

In instances of conflict between the regulations in this chapter and another chapter in this Zoning Code, the uses, regulations and standards of this chapter shall prevail. (Ord. 17-2013, passed 9-24-2013)

### § 1282.03 DEVELOPMENT REVIEW.

The review of any development or redevelopment of properties within the Springfield Pike Corridor District shall occur as follows:

(a) Any new development or substantial redevelopment which occurs within this district that is not part of a Planned Unit Development (Chapter 1288) shall be reviewed and approved by the Planning Commission to assure that all design standards of § 1282.05, where applicable, are met. For the purposes of this chapter, ***SUBSTANTIAL REDEVELOPMENT*** shall mean 50% or greater enlargement or decrease in the gross floor area or building size for the subject parcel(s).

(b) Any new development or redevelopment which occurs within this district that is part of a Planned Unit Development shall be reviewed for general compliance of all design standards of § 1282.05, where applicable, during the approval process specified by Chapter 1288, Planned Unit Development. As part of a Planned Unit

Development, the regulations and standards in this Chapter, with the exception of permitted uses, shall serve as guidelines and not requirements.

(c) Any redevelopment that does not fall under § 1282.03(a) or (b) above shall be administratively reviewed and approved by the Zoning Officer to assure that all of the requirements of this chapter, where applicable, are met. The Zoning Officer may request the assistance of the Planning Commission, if necessary, for additional review and input. (Ord. 17-2013, passed 9-24-2013)

**§ 1282.04 PERMITTED AND CONDITIONAL USES.**

The following uses shall be permitted or considered as a conditionally permitted use in the Springfield Pike District:

(a) *Permitted uses.* The following uses are permitted as of right in the Springfield Pike District:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
None	Public and semi-public uses	Bar or tavern when located entirely within a completely enclosed and permanent structure Day care facility Development and research facility Financial institutions Medical and dental clinic Personal services Professional offices Restaurants when located entirely within a completely enclosed and permanent structure. Retail business

(b) *Conditional uses.* The following uses are permitted as conditional uses in the Springfield Pike District and require the additional review of the Planning Commission:

Residential Uses	Public and Semi-Public Uses	Commercial Uses
Assisted living facility	None	Bar or tavern; indoor or outdoor use or service
Attached single-family dwellings		Funeral home Light industrial; when located in a completely enclosed building with no external impacts Medical marijuana cultivation facility, when such facility is set back at least 200 feet from Springdale Pike Medical marijuana processing facility, when such facility is set back at least 200 feet from Springfield Pike Mixed uses in a single building which may include residential dwellings that shall not be located on the ground floor. Such mixed uses shall not include uses not permitted in this district. Off-site uses. Off-site uses shall include such uses where a majority of sales or service occurs off-site but materials and equipment, including company vehicles, is stored overnight. This shall include, but not be limited to: landscaping

Residential Uses	Public and Semi-Public Uses	Commercial Uses
		contractors, plumbing contractors, paving contractors, etc.  Restaurants; indoor or outdoor use or service  Restaurant, fast food

(Ord. 17-2013, passed 9-24-2013; Ord. 13-2017, passed 6-27-2017)

**§ 1282.05 DESIGN STANDARDS.**

The following design standards shall be clearly identified on drawings, renderings, or a combination of both, submitted to the Municipality for review and approval as per §§ 1282.02 and 1282.03. Plans shall be drawn at a scale to adequately depict the proposed development or redevelopment project. Site plans and elevations shall be included and noted, as necessary, to accurately depict the proposed development or redevelopment project.

(a) *Site development standards.*

(1) *Lot coverage.* Development on parcels shall be limited to 60% coverage by impervious surfaces. Impervious surfaces shall include sidewalks, off-street parking spaces, driveways, building footprints and other hardscape that does not permit the absorption of storm water.

(2) *Minimum lot size and setbacks.*

A. The minimum lot size for parcels in this district shall be 22,000 square feet.

B. Setbacks for buildings of properties fronting on Springfield Pike shall be permitted to be set back 0 feet from the public right-of-way.

C. Side yard setbacks may be 0 feet when the front of the building is 0 feet from the

sidewalk or public right-of-way. Otherwise, the side yard setback shall be a minimum of ten feet.

D. Rear yard setbacks shall be 20 feet.

(3) *Utilities.* All on site utilities shall be located underground.

(4) *Driveways.* A maximum of one driveway opening shall be permitted for each property on each abutting street for every 250 linear feet of frontage. For corner lots, the locations of the driveways shall be setback a minimum of 50 feet from the face of curb of the intersecting street or as otherwise approved by the Municipal Engineer. If driveway is not shared between parcels the minimum setback from a property line shall be 20 feet.

(5) *Cross easements.* As properties develop or redevelop, efforts shall be made to provide for cross easement access to adjoining properties and the consolidation of curb cuts upon development or redevelopment to the fullest extent possible.

(6) *Off-street parking.* Off-street parking shall comply with Chapter 1294, Off-Street Parking and Loading and the following regulations:

A. Off-street parking shall be located to the rear or side of the property to the fullest extent possible.

B. Parking located between the building façade and the right-of-way shall be separated from the sidewalk by a landscaped buffer strip (e.g. row of hedges, knee wall, grass strip with plantings, etc.).

C. As properties develop or redevelop that are located on the western side of Springfield Pike between Riddle Road and Grove Road, efforts shall be made to provide for the sharing of off-street parking between parcels to the fullest extent possible.

(7) *Pedestrian access.* Developed and redeveloped parcels shall include the dedication of an



easement to allow for sidewalk shift away from the street and closer to the principal structure on the lot.

(8) *Outdoor storage.* Outdoor storage and service structures (dumpsters, mechanical equipment, etc.) shall be regulated as established in Chapter 1296, Provisions Relating to All Districts.

(9) *Signage.* Commercial signage shall be limited to advertising on-premise businesses and shall comply with Chapter 1292, Signage and Outdoor Advertising and the following regulations:

A. Ground-mounted or monument signage shall incorporate design elements and/or materials of the principal building or structure.

B. Where multiple adjacent parcels are developed under one cohesive development, one larger ground-mounted sign may be permitted for the entire development. Such sign shall replace the individual ground mounted signs for each individual parcel.

C. At a minimum, all ground-mounted or monument signage shall be landscaped at the base of the sign in an area equal to twice the total square footage of all faces of the sign.

(10) *Landscaping and screening.* Landscaping and screening shall comply with Chapter 1295, Screening and Landscaping, and the following regulations:

A. All pervious areas of the site shall be adequately landscaped with a mix of trees, shrubs, plants and/or grass and maintained in good condition free of weeds and debris. Mulch beds without plant material shall not be permitted.

B. Landscaping located continuously around the perimeter of off-street parking areas shall be installed, with the exception of access drives and areas where cross easements or cross access between properties occurs. Such landscaped area shall be a minimum of four feet in width.

(b) *Building design standards.*

(1) *Colors.* Façade colors shall not include metallic, black or fluorescent colors. Colors shall be limited to muted natural colors and earth tones. Building trim may include brighter colors than the façade colors when complementing the primary building color.

(2) *Physical separations.* Building or structures shall be physically separated from any off-street parking area by planted areas (grass or other landscaping) and a full depth, vertical barrier curb per Municipal Engineering standards and Chapters 1294, Off-Street Parking and 1295, Screening and Landscaping. Sidewalks shall be installed, where necessary, to provide safe pedestrian access to and from the building from the sidewalk and off-street parking areas.

(3) *Building heights.*

A. Principal buildings shall not exceed a height of 45 feet as measured from the centerline of Springfield Pike.

B. Accessory buildings shall not exceed a height of 15 feet as measured from the building grade of the accessory building or structure.

(4) *Facades.*

A. No blank, uninterrupted façades shall be permitted where visible from a right-of-way. The use of windows, doors and/or other architectural features shall be required at regular intervals to break up a blank wall. The use of false windows as an architectural feature may be permitted upon review by the Planning Commission. Planting areas and landscaped beds may be permitted in place of architectural features (e.g. 20 lineal feet of landscaping for every 100 feet of building length) if the height of the landscape material is at least half the height of the building or structure upon review and approval of the Planning Commission.

B. Buildings with facades visible from a right-of-way and greater than 100 feet in length shall incorporate recesses or projections of a minimum of two feet in depth.

C. Building facades shall include a repeating pattern including no less than three of the following elements: color change, texture change, material change or the inclusion of architectural features no less than 36 inches in width such as offsets, bays, marquees, etc. At least one of these elements shall repeat horizontally.

D. All sides of a building or structure that are visible from any right-of-way or residentially zoned property shall be finished with the same materials utilized on the front façade to provide a finished faced towards all locations visible to the public.

E. The predominant exterior building material (greater than 60 percent) shall be brick, natural stone, tinted and textured concrete masonry units or similar material. Vinyl, wood or metal cladding is not permitted with the exception of minor trim.

F. Smooth face concrete block may only be used for buildings greater than 20,000 square feet in floor area for no more than 20 percent of the cladding and then, only in areas not visible to the public. Tilt up concrete panels, mirrored glass or prefabricated steel panels shall not be permitted as exterior materials.

(5) *Rooflines.* Rooflines shall have a change in height for at least every 50 lineal feet in building length unless it is a single tenant building that exceeds a length of 200 feet. If a single tenant building exceeds 200 feet the roofline shall change in height for at least every 75 feet for facades visible from right-of-ways. Modifications in the roofline do not need to be uniformly spaced but shall be proportional to the massing of the building.

(6) *Building orientation.* The primary building entrance shall be oriented towards Springfield Pike.

(7) *Accessory structures.* Accessory structures shall be constructed of the same materials and colors as the principal building.  
(Ord. 17-2013, passed 9-24-2013)

#### § 1282.06 MODIFICATIONS TO DESIGN STANDARDS.

Modifications to the design standards of this chapter, as they will apply to an individual property, shall occur in one of two ways:

If the new development or redevelopment is in a Planned Unit Development, any modification shall be requested by the applicant as a part of the Planned Unit Development process (Chapter 1288, Planned Unit Development).

(b) If the development or redevelopment is not in a Planned Unit Development, any modification relating to the subject property or properties shall be requested by the applicant, in writing, to the Planning Commission for review and approval. The Planning Commission shall review the request for modification with respect to the design guidelines established in this chapter and as per the requirements of § 1254.12, Site Plan Review and only grant such modification if the applicant can show to Planning Commission practical difficulties in the strict application of the requirements of this chapter.

No modification to the design guidelines as they relate to the subject property for which the modification(s) were requested shall be construed to apply to this chapter as a whole nor shall they be construed to apply to other properties.  
(Ord. 17-2013, passed 9-24-2013)



## CHAPTER 1288: PLANNED UNIT DEVELOPMENT

### Section

- |  |   |
|--|---|
| 1288.01 Purpose.   | 1288.08 Planning Commission and Council Action on Concept Plan.         |
| 1288.02 Types of Planned Unit Developments and permitted uses. | 1288.09 Preliminary and Final Development Plan submission requirements. |
| 1288.03 Required open space.                                   | 1288.10 Preliminary and Final Development Plan approval process.        |
| 1288.04 Planned Unit Development process.                      | 1288.11 Amendments to an Approved Planned Unit Development.             |
| 1288.05 Required contents of the Concept Plan.                 | 1288.12 Revocation.   |
| 1288.06 Conditions of approval of the Concept Plan.            | 1288.13 Filing fees.  |
| 1288.07 Increase in density.                                   |   |

### § 1288.01 PURPOSE.

It is the purpose of the Planned Unit Development District to permit an applicant, through consultation with the Planning Commission and Council, to develop a site according to a plan which may supersede normal zoning requirements of a particular zoning district(s) through an overlay process. The uses approved within a Planned Unit Development must conform to the uses as specified in the existing zoning district. Planned Unit Developments would permit creative site planning and permit an applicant to incorporate such amenities as common open space into the overall site design. The Council may approve Planned Unit Development (PUD) zoning based on the guidelines and procedures in this chapter.

(Ord. 17-2013, passed 9-24-2013)

### § 1288.02 TYPES OF PLANNED UNIT DEVELOPMENTS AND PERMITTED USES.

(a) A Planned Unit Development may be approved within any zoning district, provided that the use(s) approved in the development plan by Council for the Planned Unit Development complies with those uses identified as permitted or conditionally permitted

within the existing zoning district. For example, an applicant can request approval for a Planned Unit Development within an R-2 Single-Family Medium-Density Residence District or I-P Industrial Park District; the subsequent designation would be R-2-PUD or I-P-PUD and would permit the uses in those respective districts.

(b) The Planned Unit Development shall be comprised of a parcel or parcels of land not less than two contiguous acres in size.  
(Ord. 17-2013, passed 9-24-2013)

### § 1288.03 REQUIRED OPEN SPACE.

Required open space in a Planned Unit Development shall be regulated as follows:

(a) There shall be reserved a minimum land area of 20 percent of the overall tract for use as open space.

(b) This open space may include such areas as: pedestrian walkways, park land, open areas, drainage ways, greenbelts and other lands of essentially open character. Preferred open space includes: woodland, stream corridors and other naturally preserved areas.

(c) If common open space is provided, ownership of this common open space shall be transferred to a legally established Homeowners Association, or deeded with permanent restrictions for its preservation, or other method approved by the Municipality, and the proper legal documents necessary for such transfer be prepared by the owner(s) and approved by the Municipal Law Director.

(d) The common open space shall be usable by residents/occupants of the Planned Unit Development and shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. (Ord. 17-2013, passed 9-24-2013)

**§ 1288.04 PLANNED UNIT DEVELOPMENT PROCESS.**

The following procedures shall be followed in applying for rezoning to a PUD District.

(a) *Application submission.* An applicant shall submit a complete application requesting that the Zoning District Map be amended to rezone the subject property as a PUD Overlay. Such applications shall be processed, noticed, and heard in a manner prescribed in this chapter.

(b) *Informal consultation.* Applicants are encouraged to engage in informal consultations with the Zoning Officer and Municipal Administrator prior to preparing plans. No statement or representation by staff or Planning Commission, however, shall be binding.

(c) *Concept Plan.* Concept Plan contents are established in § 1288.05, Required Contents of the Concept Plan.

(d) *Preliminary and Final Development Plan.* An applicant may submit a Preliminary Development Plan, and subsequently submit a Final Development Plan for any portion of the approved Preliminary Development Plan that the applicant wishes to develop. The applicant may also submit a combined

Preliminary and Final Development Plan as identified in § 1288.09, Preliminary and Final Development Plan Procedure.

The Planning Commission or Council may determine that the review of the Planned Unit Development submission requires the assistance of engineers, architects, planners or attorneys to assist in its evaluation of the Preliminary or Final Development Plan. In such event, the Planning Commission or Council may require that the applicant pay the fees of such persons so retained to assist the Planning Commission or Council. By the submission of an application for Preliminary or Final Development Plan approval, the applicant agrees to pay such fees.

(e) *Zoning Certificate.* No Zoning Certificate shall be issued for any property for which a rezoning is requested and no construction shall begin until the Final Development Plan is approved as per the requirements in this chapter. (Ord. 17-2013, passed 9-24-2013)

**§ 1288.05 REQUIRED CONTENTS OF THE CONCEPT PLAN.**

The submission of a Concept Plan is required as the initial process for the establishment of a Planned Unit Development. The applicant is encouraged to engage in informal consultations with the Planning Commission prior to preparing the Concept Plan, it being understood that no statement or representation by Planning Commission members shall be binding upon the Commission.

The applicant shall prepare a Concept Plan and shall submit the number of copies of this Concept Plan as specified by the Zoning Officer along with the application for a change of Zoning District to the Planning Commission for recommendation to Council for approval. One electronic copy in PDF format shall also be submitted by the applicant.

(a) The Concept Plan shall contain:

(1) A base map of the property showing existing and proposed land use, general topography and physical features and the following information:

- points;
- circulation;
- areas;
- buildings;
- community facility sites, if any;
- A. Property boundaries;
  - B. Adjacent thoroughfares and access
  - C. Vehicular and pedestrian
  - D. Location of different land use
  - E. Approximate locations of proposed
  - F. Density levels of each area;
  - G. Location of schools, parks or other
  - H. Setback and height requirements;
  - I. Proposed drainage;
  - J. General utility plan;
  - K. Parking layout;
  - L. Proposed sign plans; and
  - M. Other information as may be required by the Municipality for review.

(2) Time schedule of projected development if construction is to extend beyond a two-year time period.

(3) All necessary legal documentation relating to the transfer of common open space, if proposed, to the legally established Homeowners Association or protection of common open space, or other mechanism approved by the Municipality.

(b) The Planning Commission shall study the application and Concept Plan and shall hold a public hearing within 35 days of the time of application. Following this public hearing, the Planning

Commission shall make a report to the Municipal Council within 35 days recommending approval or disapproval and the reasons therefor. The Planning Commission may explicitly impose special conditions relating to the planned unit development with regard to type and extent of public improvements, maintenance of common open space, and any other pertinent development characteristics as needed in making a determination. The time period for review may be extended if agreed upon by the applicant. (Ord. 17-2013, passed 9-24-2013)

#### § 1288.06 CONDITIONS OF APPROVAL OF THE CONCEPT PLAN.

Upon receipt of the report of the Planning Commission, the Municipal Council shall study and review the proposed concept plan and shall approve or disapprove the application for rezoning on the basis of: (1) all application submission requirements have been satisfied; and (2) finding that the following specific conditions are met:

(a) That each individual section or phase of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained.

(b) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts in these regulations.

(c) That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.

(d) That the minimum open space area has been reserved, a means has been established to maintain the area, and is either to be dedicated to the Municipality, be transferred to a legally established Homeowners' Association or other legally established entity, or other mechanism approved by the Municipality.

(e) That any part of a Planned Unit Development not used for structures, parking and loading areas or streets shall be landscaped or designated as natural open space.

(f) That the Planned Unit Development is in conformance with the Woodlawn Master Plan, as may be amended from time to time.

(g) The development will not impose an undue burden on public services and facilities such as fire and police protection.

(h) That the density of each individual phase of the Planned Unit Development, as well as the density of the entire project shall not exceed the maximum allowable density as permitted in the underlying districts, except as provided for in § 1288.07, Increase in Density.

(Ord. 17-2013, passed 9-24-2013)

**§ 1288.07 INCREASE IN DENSITY.**

An increase in density of 15 percent may be permitted over the maximum allowable density of the underlying zoning district(s) upon review and approval by the Planning Commission.

(Ord. 17-2013, passed 9-24-2013)

**§ 1288.08 PLANNING COMMISSION AND COUNCIL ACTION ON CONCEPT PLAN.**

Council shall have 45 days to hold a public hearing and consider the recommendation of Planning Commission. The time frame for review shall begin when it has been determined by the Zoning Officer that a complete application has been submitted with the correct fee as established by Council.

Action by the Planning Commission and the Council shall be as follows:

(a) If from the facts presented, the Council is unable to make the necessary findings specified in § 1288.06, Conditions of Approval of the Concept Plan, the application shall be denied or returned to the

applicant for clarification. In taking action, the Planning Commission and Council may deny the Concept Plan or may recommend approval of said plan subject to specified amendments.

If the application is approved by Council, the approval of the Concept Plan shall be limited to the general acceptability of the land uses proposed, density levels and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in subsequent preparation of preliminary and final development plans.

Approval of the Concept Plan shall constitute the approval of the creation of a separate PUD Planned Unit Development Zoning District. The new zoning designation shall incorporate the existing zoning classification (e.g. R-2-PUD).

(b) At the time of adopting any ordinance establishing a PUD District, the Council shall make appropriate arrangements with the applicant, which will ensure the accomplishment of the public improvements and reservation of common open space of the public improvements shown on the approved Concept Plan. The developer shall post a bond in the amount determined by the Municipality to ensure completion of the necessary improvements should the developer fail to complete such improvements as agreed upon.

(Ord. 17-2013, passed 9-24-2013)

**§ 1288.09 PRELIMINARY AND FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.**

Once the Concept Plan has been approved by the Planning Commission and Council, Preliminary and Final Development Plans for each section of the overall planned unit development landholding must each be reviewed and approved by the Planning Commission prior to the issuance of any Zoning Certificate of Compliance by the Zoning Officer.

The Preliminary and Final Development Plans shall be in accordance with the approved Concept

Plan; shall be prepared for the applicant by a professionally competent engineer, architect and/or landscape architect, based on a survey prepared by a registered surveyor. Submissions shall be submitted in the number of copies specified by the Zoning Officer including one electronic copy in PDF format. Submission of the Preliminary and Final Development Plans shall include the following as a minimum:

(a) *Preliminary Development Plan.*

(1) The general nature, location and objectives of the proposed development.

(2) The boundaries of the project including a metes and bounds description of the parcel and the acreage therein.

(3) The areas of the project to be used for each land use including residential (number of units, size and density), commercial, office, industrial, or other activities indicating the total square footage of each use.

(4) An area map identifying adjacent property owners, existing land uses, and existing zoning within 200 feet of the subject parcel.

(5) Existing contours at five foot intervals or less, accompanied by the proposed grading plans.

(6) Site plan indicating existing: lot lines, building outlines and locations, off-street parking and loading spaces, pedestrian walkways, utilities, easement locations, floodplains, existing vegetation and vehicular circulation.

(7) A site plan showing proposed: lot lines, preliminary building plans, including floor plans, exterior elevations and material samples, land uses, off-street parking and loading spaces, utilities, easement locations, floodplains, vehicular circulation, proposed streets proposed sidewalks and pedestrian ways, and common open spaces.

(8) Landscaping and buffering plans.

(9) A signage plan identifying the sizes and locations of all signage.

(10) Evidence that the development will not impose an undue burden on public services and facilities such as fire and police protection.

(11) Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.

(12) A document describing the proposed phasing program for the project for all dwelling units, commercial or office structures, industrial, recreational and other common facilities, landscaping and other open space improvements.

(13) Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.

(14) A traffic impact study, if determined necessary by the Municipality.

(b) *Final Development Plan.*

(1) The areas to be developed and the areas to be devoted to open space with accurate acreage for each use.

(2) Final grading plans, indicating cubic footage of cuts and fills.

(3) The interior roadway system, indicating existing and proposed rights-of-way and easements and cross-sections of new or improved streets.

(4) Site plans, floor plans and elevations for all buildings. Additional exterior detail drawings, materials specifications and paint colors may be required if deemed necessary to understand the intent or scope of the plan.



(5) Descriptions as to the type of buildings, square footages and use.

(6) The proposed common open space system and areas to be in common ownership, if any.

(7) A detailed landscaping plan for all areas, indicating all existing and proposed vegetation by species, size and caliper; dimensions and materials, irrigation, and special lighting fixtures.

(8) Roadway, parking, and pedestrian lighting plans with lighting fixture types, heights and designs.

(9) The location, size, height, material, lighting method (if any), message, and design layout of all signage.

(10) The phasing plan for development, if any, as identified in the Preliminary Development Plan.

(11) Any modification of the general plan data presented and approved for the PUD applications as may be required by the Planning Commission. (Ord. 17-2013, passed 9-24-2013)

**§ 1288.10 PRELIMINARY AND FINAL DEVELOPMENT PLAN APPROVAL PROCESS.**

The following process shall be utilized to consider approval of the Preliminary and Final Development Plans for a Planned Unit Development:

(a) *Preliminary Development Plan approval.*

(1) *Planning Commission action.* The following action shall be taken by the Planning Commission on the Preliminary Development Plan within 35 days of receipt of the complete preliminary development plan package:

A. The Planning Commission shall review the preliminary development plan and accompanying documents and may request such review and comment by the Zoning Officer, Municipal Engineer, Municipal Administrator and other agencies, as may be necessary.

B. The Planning Commission shall approve, approve with conditions or deny the Preliminary Development Plan as submitted. The Planning Commission shall have the opportunity to table the hearing to provide time for the applicant to resolve outstanding issues, if necessary.

(2) At a minimum, the Planning Commission consideration for action shall include the following:

A. Whether the plan is consistent with the intent and purpose of this chapter;

B. Whether the plan is consistent with the Concept Plan submitted and approved by the Planning Commission and Council.

C. The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established; and

D. Whether the overall development shall be adequately serviced by present or planned utilities, roadways, and other public services

(3) Approval by the Planning Commission shall be formed as a recommendation for approval, denial, or approval with modifications and the reasons for such decision.

(b) *Final Development Plan approval.*

(1) *Planning Commission action.* The Planning Commission shall review the Final Development Plan and approve, modify and approve, or deny the application for final approval and transmit notice thereof to the applicant within 35 days of

receipt of the complete final development plan package.

The Planning Commission shall give the final approval only upon finding that the following requirements are met:

A. The design, size, and use are consistent with the Preliminary Development Plan and with other applicable plans adopted by the Planning Commission or Council.

B. The location, design, size, and uses will be adequately served by existing or planned facilities and services.

C. The location, design, size and uses will result in an attractive, healthful, efficient and stable environment for commerce and/or residential development.

(2) The approval of the Planning Commission shall be documented and entered into the plan for the area and become a permanent part of the Zoning Officer's records.

(3) After approval of the Final Development Plan by the Planning Commission, submission and recording of appropriate subdivision plats with Hamilton County and building construction drawings shall be made. Building and construction permits and certificates of occupancy shall be conditioned upon adherence to the total development plan including landscaping, design considerations, and the construction of necessary public improvements.

(4) Construction must commence in accordance with the approved Final Development Plan within 12 months from Planning Commission approval of the Final Development Plan. If construction has not begun within the 12-month period, the PUD is voided and the zoning reverts back to the previous zoning classification unless good cause can be shown by the applicant and an extension of not more than six months is granted by the Planning Commission.  
(Ord. 17-2013, passed 9-24-2013)

#### **§ 1288.11 AMENDMENTS TO AN APPROVED PLANNED UNIT DEVELOPMENT.**

An approved Planned Unit Development Concept Plan, Preliminary or Final Development Plan may be amended by following the procedures described in this chapter. However, minor adjustments in the Preliminary or Final Development Plans which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Planning Commission. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to residential property lines. Changes determined to be major shall require review and approval by the Municipal Council.

(Ord. 17-2013, passed 9-24-2013)

#### **§ 1288.12 REVOCATION.**

In the event of a failure to comply with the approved plan or any condition of approval, including, but not limited to, failure to comply with the staged development schedule, the Zoning Officer may, after notice, rescind, and revoke such plan approval. Violation of the final approval of the Final Development Plan for a PUD shall constitute violation of the Zoning Code.

(Ord. 17-2013, passed 9-24-2013)

#### **§ 1288.13 FILING FEES.**

The applicant requesting a PUD shall make a non-refundable payment to the Municipality at the time of the initial application submittal in the form of a PUD filing fee as adopted by Council.

(Ord. 17-2013, passed 9-24-2013)



## CHAPTER 1292: SIGNS AND OUTDOOR ADVERTISING

### Section

1292.01 Purpose	1292.09 Inflatable signs.
1292.02 Exceptions to chapter.	1292.10 Maintenance.
1292.03 General requirements.	1292.11 Nonconforming signs.
1292.04 Measurement of signs.	1292.12 Variances.
1292.05 Signs in nonresidential districts.	1292.13 Signs in the right-of-way.
1292.06 Signs in Residential Districts.	1292.14 Rights of municipality.
1292.07 Signs in a Planned Unit Development District.	1292.15 Permits required; fee.
1292.08 Political signs.	1292.16 Abandonment of sign.

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### § 1292.01 PURPOSE.

It is the purpose of these sign regulations to permit the use of signs as a means of communication in the Municipality; to maintain and enhance the Municipality's natural and manmade environment; to encourage an attractive and healthy economic environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

The purpose as stated above is based on the following findings concerning signs:

(a) That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and man-made beauty of the Municipality, and as such are detrimental to the public health, safety and general welfare of the Municipality.

(b) That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.  
(Ord. 17-2013, passed 9-24-2013)

### § 1292.02 EXCEPTIONS TO CHAPTER.

Exceptions to this chapter shall be as follows:

The provisions of this chapter, with the exception of the regulations contained in § 1292.03(b) and (f) shall not apply to the following signs:

(a) Signs not more than two square feet in display area, on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of the business.

(b) Signs not exceeding two square feet of display surface on a residence building stating only the name of the occupants and/or the street address.

(c) Signs not exceeding ten square feet of display surface on a public building or institutional building use giving the name and nature of the occupancy and information as to the conditions of use or admission.

(d) Any other signs authorized by a department of the Municipality which is not inconsistent with the authority of that department.  
(Ord. 17-2013, passed 9-24-2013)

### § 1292.03 GENERAL REQUIREMENTS.

Except as specifically provided in this chapter, only those signs which identify, advertise or promote the use established or goods sold or services rendered on the premises upon which the sign is located shall be permitted to be constructed, maintained or continued in the Municipality. All other outdoor advertising devices, including billboards, pennants and similar type device, whether wind-propelled or motor-driven, shall be prohibited. Permitted signs shall meet the following requirements:

(a) *Traffic safety; ingress and egress.* Notwithstanding any provision of this chapter to the contrary, no sign shall be so located as to obstruct or interfere with traffic or traffic visibility. No sign shall be so designed or constructed as to resemble or imitate signs, devices or signals erected by the Municipality for the regulation of traffic and parking. No sign shall be so located as to obstruct or interfere with any ingress or egress to a building or other premises required by the Building Code or this Zoning Code, or any window or other opening in any building providing ventilation to such building.

(b) *Building access and ventilation.* No sign shall be so located as to obstruct or interfere with any ingress or egress to a building or other premises required by the Building Code or this Zoning Code, or any window or other opening in any building providing ventilation to such building.

(c) *Illuminated or animated signs.* Signs may be illuminated by either external or internal sources of light. No sign shall be permitted in the Municipality, which:

(1) Rotates or which incorporates animation, moving parts, flashing lights or changing colors.

(2) Flashes on and off or where displays change in any degree of intensity. This regulation applies to signs located outside of buildings and to window signs inside buildings which are meant to be

seen from the outside. However, a part of a sign which, by means of changes in copy or moving parts, indicates time and/or temperature or other public information, shall be excepted from this subsection.

(3) Illuminated signage that is not fully functioning as designed shall be turned off until the sign is illuminated to a fully functional state. This includes burnt out or broken bulbs, LED's or other lighting elements.

(d) *Directional or informational signs.* Small directional or informational signs, and non-advertising signs such as "IN," "OUT," "REST ROOMS," "REGULAR" and "PREMIUM," etc., shall be permitted with no limitation as to number, provided that such a sign shall be limited to one square foot in face area and are mounted on the wall, canopy or door of a building.

A maximum of two signs per curb cut, not to exceed four signs per property, may:

(1) Be up to four square feet individually.

(2) Be internally lighted.

(3) Not exceed four feet in height nor shall they obstruct the view of drivers on or off the premises.

(4) Not be closer than five feet to any property line.

Directional or informational signs shall be designed of similar materials or colors of the building it is providing direction to or information for.

(e) *Projecting signs.* No sign, whether free-standing or attached to a building or other structure, may project over the right-of-way of any public street, sidewalk or other public right-of-way. Existing signs which encroach on a right-of-way shall be removed.

(f) *Illuminated signs near residential areas.* All illuminated signs located within 100 feet of any

residential zone shall cease to be illuminated at 10:00 p.m. or until the establishment is closed for business for the day, whichever is later.

(g) *Unsafe signs.* Notwithstanding any provision of this chapter to the contrary, the Building Commissioner or Zoning Officer shall make a periodic inspection of all signs or other structures governed by this chapter, and if, upon such inspection, the Building Commissioner or Zoning Officer determines that any such sign is or has become defective or unsecurely mounted or supported, so as to constitute a public or traffic hazard, the Building Commissioner or Zoning Officer shall order such sign to be removed or repaired so as to eliminate such hazard. The owner or person in control of such sign shall bear the full cost of compliance with such order of the Building Commissioner or Zoning Officer. If the Building Commissioner or Zoning Officer determines that such sign is of immediate danger, he or she shall place or cause to be placed signs or barriers indicating such danger. If the unsafe sign in question is not removed within 30 days of notification by the Building Commissioner or Zoning Officer, the Municipality may remove such sign in question and assess the cost of removal to the County Property Tax Bill.

(h) *Similar materials and design.* Signs and their supports shall be constructed of similar building materials or use similar colors to that of the principal building to which the sign is related.  
(Ord. 17-2013, passed 9-24-2013)

#### § 1292.04 MEASUREMENT OF SIGNS.

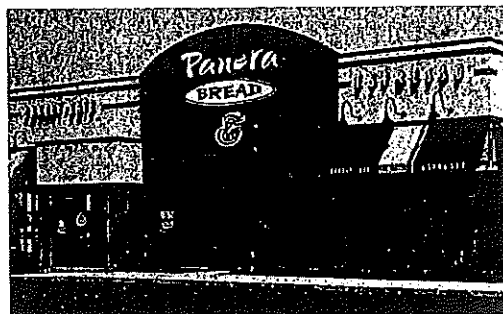
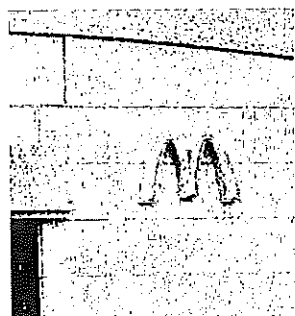
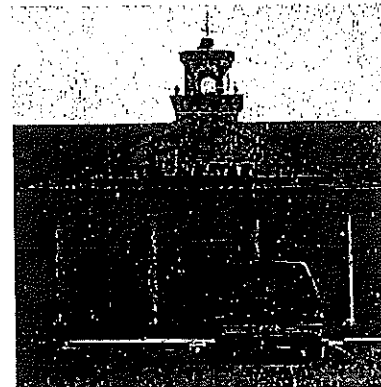
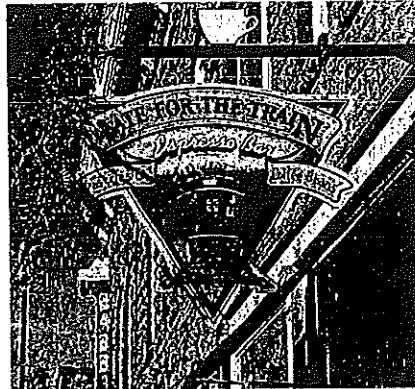
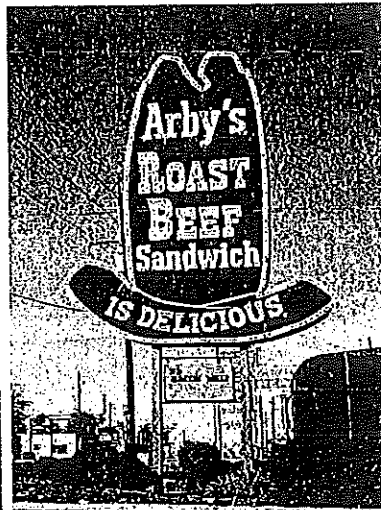
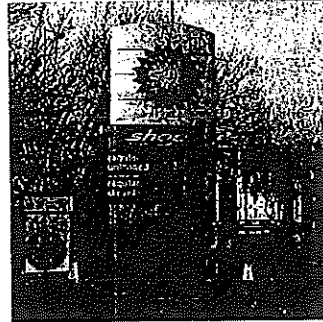
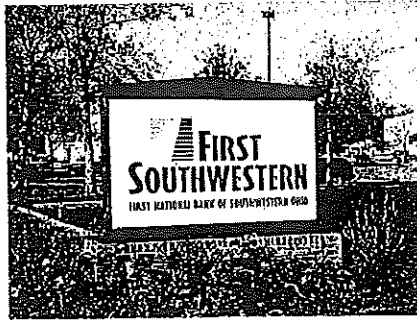
The following standards shall be used to determine the area and height measurements for all signs in the Municipality:

(a) The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign. Frames and structural members not bearing advertising matter or which are not an integral part of the sign message shall not be included in the computation of surface area (See illustrations on following page).

(b) The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.

(c) In the case of irregularly shaped three dimensional signs the area of the display surface shall be measured on the plane of the largest vertical cross-section.

(d) The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign prior to construction, excluding additional elevation added by creation of berming or mounding. If the grade prior to construction cannot be determined, the elevation of the base of the sign shall be computed using the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower.



(Ord. 17-2013, passed 9-24-2013)

### § 1292.05 SIGNS IN NONRESIDENTIAL DISTRICTS.

The following provisions define the categories of signs permitted by this chapter in nonresidential districts and set forth certain specific regulations with respect to each category. Nonresidential Districts shall include the D-1 Downtown District, the I-P Industrial Park District, Glendale Milford Corridor Overlay District, the Springfield Pike Overlay District, the C-C Civic Center District, and the O-S Open Space District.

All other provisions of this shall apply to such categories, where applicable.

(a) *Wall signs.* The owner or occupant of any commercial, business, industrial or institutional use located in a nonresidential district may erect and maintain, a wall sign, either illuminated or non-illuminated, for the business or service that is being conducted in the building on which the sign is posted.

(1) Such signs may be attached to the exterior walls or other vertical surfaces of such buildings but may not extend beyond the parapet of such building.

(2) The face of such signs shall be parallel to the face of the building.

(3) The total permissible wall sign area on a building shall not exceed 10 percent of the front building face area. For example, if the front building face was 1,200 square feet (80 feet in length by 15 feet in height), the total permissible square footage for wall signs shall be 120 square feet.

(4) No portion of any wall sign shall project more than one foot beyond the face of the building, nor extend beyond the end of the building face.

(5) No building shall have a sign or lettering painted directly on the building surfaces.

(6) No building shall have a roof-mounted sign, except for signs mounted on the face of a mansard roof.

(7) A property owner may allocate up to 50 percent of the allowable total wall sign area to a building wall other than the front wall of the building, however, in no case shall the total wall sign area for the entire building exceed 10 percent of the front building face.

(8) No wall sign shall exceed 150 square feet in area.

(9) When there more is one building on a lot, the allowable sign area may be distributed among the buildings so long as the maximum permitted sign area is not exceeded.

(b) *Ground signs.* A ground sign shall be set on the ground or mounted on a foundation which is set directly on or into the ground. Materials used for the base of the sign should be similar in material or color to the principal building on the lot.

(1) *Height and setback - requirements for ground signs.* No portion of any ground sign may be closer than five feet to any property line. No portion of any such sign may be closer than 15 feet to any street right-of-way. All such signs shall be set back at least 20 feet from a radius at all lot corners. No portion of any such sign shall exceed six feet in height.

(c) *Distance between ground signs.* No ground sign shall be closer than 50 feet to any other such sign. Distance shall be measured on a straight line directly between such signs.

(d) *Number of signs permitted.* Every commercial, business or industrial use or multiple development located in a nonresidential district, the road or street frontage of whose premises measures 100 feet or more, may erect and maintain one ground sign. As used in this section, "multiple development" means a shopping center or other nonresidential



development containing two or more separate uses in one building or in a collection of buildings located on one tract or parcel of real estate so as to give the visual impression of a unified development. In the case of a use or multiple developments located on a corner lot, the minimum frontage shall be computed by adding together the frontages on each abutting street or road. Every commercial, business or industrial use or multiple developments whose street frontage is less than 100 feet may erect a sign which conforms to the regulations provided in § 1292.04(a) for professional signs.

(e) *Number of ground signs permitted.* Shall be as follows:

(1) Every commercial, business or industrial use or multiple development located in a nonresidential zoning district may erect and maintain one or more ground signs as follows:

Road Frontage	Number of Signs Permitted
0 to 400 feet	One sign
401 to 800 feet	Two signs
801 feet or more	Three signs

(2) In the case of a user or multiple development located on a corner lot, the aforesaid minimum frontage shall be computed by adding together the frontages on each abutting street or road.

(3) If the premises upon which a ground sign is erected fronting on more than one public street, other than a corner lot, the street frontage nearest the sign(s) shall be used in determining the maximum number of permitted signs on such streets.

(f) *Display surface area for ground signs.* The aggregate area of any display surface of a ground sign may not exceed one square foot for each linear foot of street frontage of the premises upon which such sign is located, provided that in no event shall such sign have a single face area exceeding 80 square feet, nor shall the total area of all display surfaces exceed 160 square feet for ground signs. If the premises upon

which a ground sign is erected front on more than one public street, other than a corner lot, the longest of such frontages may be used in determining the maximum permitted sign area in accordance with this subsection. However, in the case of a multiple development, the permitted total aggregate area of display surfaces of a ground sign shall include all of the display surfaces of any individual signs identifying separate uses in such multiple developments which may be attached to such ground sign. The allowable area of a ground sign may include a section for changeable letters. Such area shall not exceed 50 percent of the sign area.

(g) *Motor vehicle service stations and motor vehicle filling stations.* Motor vehicle service stations and filling stations may have, in addition to the signs permitted and regulated in this section, an additional area for display of gasoline prices, provided that such area does not total more than sixteen square feet.

(h) *Landscaping of signs.* Any ground-mounted sign shall have landscaping at the base of the sign according to the following standards:

(1) The minimum landscaped area shall be equal to the area of the sign face.

(2) The landscaped area shall include all points of structural support attachment to the ground.

(3) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised curb suitable to prevent the encroachment of vehicles is required. The minimum horizontal distance between the face of any required curb and any part of the sign is 36 inches.

(4) The landscaped area shall include live plantings that provide year around coverage and shall be maintained at all times. The use of concrete, asphalt or other paved surface inside the required landscaped area beneath the sign is prohibited with the exception of the supports for the base of the sign.

(5) Landscaping shall include living plant material. The use of grass, crushed rock, mulch or

stone by itself shall not be considered landscaping. An example of landscaping is identified in the illustration below:



(i) *Temporary signs and displays.* Signs, banners, flags, streamers or other display devices, including inflatable's, which are of a temporary nature and which advertise or call attention to grand openings, special sales or other temporary business promotions may be erected or installed only upon prior approval of the Zoning Officer.

(1) All such signs and displays may be displayed for not more than 14 consecutive days, and 60 days shall elapse before another such sign or display may be permitted.

(2) The Zoning Officer may withhold approval if it is determined that the number, size or placement of such temporary signs or displays would be a hazard to the public safety.

(3) The location of such signs shall be in accordance with § 1292.03(b).

(4) Such signs shall not be illuminated.

(5) Inflatable signs shall only be permitted as regulated in § 1292.09, Inflatable Signs.

(6) Portable signs on wheels or skids are not permitted.

(j) *Real estate signs.* Free-standing real estate signs advertising the sale, rental or lease of the premises on which they are maintained shall be set back at least five feet from the street right-of-way line. Such real estate sign shall not exceed 20 square feet in a nonresidential district and, at the seller's option, may be mounted flat against the building to which it pertains. Such signs shall not be illuminated and shall be removed no more than seven days after the closing on the property.

(k) *Window signs.* Signs pasted, painted or hung on windows or in the window casement, whether on the interior or exterior of a building, shall not cover more than 30% of each window area. This limited coverage will permit interior visibility from the exterior of the building in order to promote public safety. Signs are inclusive of advertisements, business name, or informational type signs such as "Open", "Closed" or "Now Hiring".

(l) *Contractor's signs.* Signs announcing the names of contractors, subcontractors, materials, suppliers or architects participating in the construction or improvement of a building shall be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land

being improved and shall not exceed 80 square feet in area. Such signs shall be at least 12 feet from all front property lines. Such signs shall not be illuminated and shall be removed no more than seven days after completion of the project.

(m) *Signs permitted as a conditional use.* The following signs may be permitted within a nonresidential district following review and approval by the Planning Commission using the standards established in Chapter 1254 and the following regulations.

(1) *Variable message signs.*

A. The maximum surface display area shall not exceed 25 square feet.

B. No more than one sign per lot shall be permitted.

C. Maximum flashing rate shall not exceed 1 line in 4 seconds, 2 lines in 7 seconds, 3 or more lines in 10 seconds.

D. Running copy shall not be permitted.

E. Lighting shall be on a sensor that dims or reduces the intensity of the light as it becomes darker outside.

(Ord. 17-2013, passed 9-24-2013)

**§ 1292.06 SIGNS IN RESIDENTIAL DISTRICTS.**

The following provisions define the categories of signs permitted by this chapter in residential districts and set forth certain specific regulations with respect to each category. All other provisions of this chapter, which are not by their nature inapplicable to any of the following categories of signs, shall apply to such categories.

(a) *Home occupation and professional signs.* As used in this chapter, "home occupation sign" or

"professional sign" means a sign which is mounted flat against a residential building or mounted upon or hung from a post or posts and bears no message other than the name of the person or entity whose business, occupation or professional practice is conducted upon the premises on which the sign is erected, together with the name or specialty designation of such occupation, business or professional practice. The aggregate area of the display surface of such signs shall not exceed one square foot. The top of the post-mounted signs, or any part thereof, may not exceed a height of six feet above the grade level of the right-of-way line. Post-mounted signs may not be closer than 15 feet from the edge of the pavement or curb of the street. A maximum of one such non-illuminated sign shall be permitted per lot.

(b) *Institutional or church signs.* Any church, religious sect or congregation, community center or similar semipublic, public or institutional use may erect and maintain one sign not over 80 square feet in area on the same premises upon which such use is located.

(1) In no case shall any one side of the sign face exceed 40 square feet.

(2) If not attached flat against a building, such sign shall be at least 12 feet from all front property lines.

(3) A maximum of one such sign shall be permitted per lot.

(4) The sign may be illuminated. However, such illumination shall be turned off during evening hours to prevent light glare on surrounding residential properties.

(5) Free-standing ground signs shall be of similar materials or colors of the principal building on the lot.

(c) *Real estate signs.* Free-standing real estate or model home signs advertising the sale, rental or lease of the premises on which they are maintained

shall be set back at least five feet from the street right-of-way line. Such real estate sign shall not exceed six square feet in area in residential and, at the seller's option, may be mounted flat against the building to which it pertains. Such signs shall not be illuminated and shall be removed no more than seven days after the closing of the property.

(d) *Subdivision signs.* Subdivision signs, each of which shall not exceed, in the aggregate, 50 square feet in area of display surface, advertising the sale of lots or houses in a new subdivision, may be erected and displayed in such subdivision, provided that not more than one such sign facing on any one street shall be permitted in any subdivision. Such signs shall not be internally illuminated and shall be removed upon the sale of all the lots in the subdivision.

(e) *Contractor's signs.* Signs announcing the names of contractors, subcontractors, materials, suppliers or architects participating in the construction or improvement of a building shall be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being improved and shall not exceed 24 square feet in area. Such signs shall be at least 15 feet from all front property lines. Such signs shall not be illuminated and shall be removed no more than seven days after the closing of on the property.

(f) *Temporary signs and displays.* Signs, banners, flags, streamers or other display devices, including inflatables, which are of a temporary nature and which advertise or call attention to grand openings, special sales or other temporary business promotions may be erected or installed only upon prior approval of the Zoning Officer.

(1) All such signs and displays may be displayed for not more than 14 consecutive days, and 60 days shall elapse before another such sign or display may be permitted.

(2) The Zoning Officer may withhold approval if it is determined that the number, size or placement of such temporary signs or displays would be a hazard to the public safety.

(3) The location of such signs shall be in accordance with § 1292.03(b).

(4) Such signs shall not be illuminated.

(5) Inflatable signs shall only be permitted as regulated in § 1292.09, Inflatable Signs.

(6) Portable signs on wheels or skids are not permitted.

(Ord. 17-2013, passed 9-24-2013)

#### § 1292.07 SIGNS IN A PLANNED UNIT DEVELOPMENT DISTRICT.

Signs in a Planned Unit Development District shall conform to the regulations of the underlying or attached district unless a coordinated sign plan is developed by the developer for the entire PUD site and is approved by the Planning Commission.

(Ord. 17-2013, passed 9-24-2013)

#### § 1292.08 POLITICAL SIGNS.

Political signs shall be regulated as follows:

(a) Signs advertising support of or opposition to any issue, levy, political party, political candidate, or write-in candidate shall be permitted without application for a building.

(b) Size and location:

(1) Such non-illuminated signs shall not exceed 12 square feet in size and no more than two such signs shall appear on any lot.

(2) Such signs shall be at least five feet from all property lines and right-of-way.

(Ord. 17-2013, passed 9-24-2013)

#### § 1292.09 INFLATABLE SIGNS.

Inflatable signs referenced in this section shall apply to all inflatable structures, balloons and figures filled with air or other type gas where it takes on a

discernible shape. Inflatable signs may only be permitted if it meets all of the following regulations:

(a) A temporary sign permit is required from the Zoning Officer. A fee as determined by the Municipal Council may be required.

(b) The installer of the inflatable sign must be a properly registered and licensed contractor and provide a certificate of insurance in the amount of one million dollars (\$1,000,000). The contractor, owner or agent shall accept full responsibility for the imposed display load and devices securely anchoring the sign to the ground.

(c) Only one inflatable sign is permitted per lot.

(d) Inflatable signs shall not exceed 30 feet in height.

(e) There shall be no text displayed on the inflatable sign.

(f) The inflatable sign shall not encroach over any public right-of-way or across any property lines.

(g) The inflatable sign shall not be installed below or within 20 feet of any electrical, phone, CATV or other overhead transmission lines.

(h) Inflatable signs shall not utilize more than 10% of the required off-street parking spaces required for the business in which the inflatable sign is erected.

(i) The inflatable sign shall not have motion caused by mechanical means or by a varying supply of air or gas.

(j) The inflatable sign shall be securely mounted on the ground only. Roof mounting is not permitted.

(k) Inflatable signs shall be made of a flame retardant material.

(l) Inflatable signs shall not be internally or externally illuminated.

These inflatable sign regulations shall not apply to any inflatable type device normally used for the entertainment of children including jumping balloons, inflatable slides and similar type devices.

(Ord. 17-2013, passed 9-24-2013)

#### § 1292.10 MAINTENANCE.

All signs in all districts, and the immediate surrounding premises, shall be maintained by the owner thereof or his or her agent in a clean condition, free and clear of all rubbish and weeds. Signs shall be maintained in proper working order including lighting. (Ord. 17-2013, passed 9-24-2013)

#### § 1292.11 NONCONFORMING SIGNS.

All signs which do not conform to this chapter are hereby declared to be a public nuisance, detrimental to the safety of the residents of the Municipality.

Notwithstanding any provision of this chapter to the contrary, whenever any nonconforming sign or other device subject to these regulations collapses, burns or is removed from its location, except for normal maintenance, such sign or device shall not be replaced or reconstructed except in full compliance with all applicable provisions of this chapter. (Ord. 17-2013, passed 9-24-2013)

#### § 1292.12 VARIANCES.

The Board of Zoning Appeals shall have the power to grant a variance from any of the provisions of this chapter, but such power shall be limited to cases of practical difficulties, and any such variance granted shall be upon terms and conditions which are designed to promote the object and purpose of these regulations. The Board may not grant any variance whose effect will be to continue or to permit a hazard to public safety.

(Ord. 17-2013, passed 9-24-2013)

**§ 1292.13 SIGNS IN THE RIGHT-OF-WAY.**

The Municipality is not responsible for signs which have been previously placed within the right-of-way of any street, highway, lane, avenue, road, drive or public thoroughfare and which have to be removed because of any reason whatsoever. (Ord. 17-2013, passed 9-24-2013)

**§ 1292.14 RIGHTS OF MUNICIPALITY.**

The Municipality reserves the right to erect Municipality name signs and traffic signs anywhere that the public health, safety and general welfare of the Municipality are served. The Municipality may install temporary signs as determined necessary by the Municipality. (Ord. 17-2013, passed 9-24-2013)

**§ 1292.15 PERMITS REQUIRED; FEE.**

The following signs do not require a permit, but may be subject to the provisions of this chapter:

(a) Governmental signs and signs erected by the government for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety.

(b) Flags of reasonable customary size and color, emblems and insignia of any governmental agency, corporation, business, or political subdivision and temporary displays of a patriotic, religious, charitable or civic character.

(c) Commemorative plaques placed by recognized historical agencies.

(d) Interior signs that can be viewed only by persons within such use.

(e) Noncommercial signs displaying messages, including but not limited to: directional signs, house numbers, real estate signs, construction signs, political signs, "now hiring", "help wanted", garage and yard

sale signs. Such signs shall not be located within the public right-of-way and are subject to the provisions of this chapter.

(f) Window signs affixed to the inside of window.

(g) Signs required by a court of competent jurisdiction in the Municipality of Woodlawn. (Ord. 17-2013, passed 9-24-2013)

**§ 1292.16 ABANDONMENT OF SIGN.**

If any sign is abandoned for a period of at least six consecutive months in any 12-month period, such sign shall be a nuisance affecting or endangering surrounding property values and be detrimental to the public health, safety and general welfare of the Municipality and shall be abated.

Such sign shall be abated within 60 days of notification by the Zoning Officer either by:

(a) Removing the sign in question. Removal includes the total disassembly of the sign structure including the base, to the grade on which the sign was erected. Any sign not removed within the specified 60-day time period may be removed by the Municipality at the property owner's expense and assessed to that property owner on the next County Property Tax Statement.

(b) Altering the sign and its structure so that it conforms to the regulations and provisions of this Code. (Ord. 17-2013, passed 9-24-2013)



## CHAPTER 1294: OFF-STREET PARKING AND LOADING

### Section

- |  |  |
|--|--|
| 1294.01 Purpose.                                     | 1294.07 Outdoor lighting for off-street parking and loading areas. |
| 1294.02 Applicability.                               | 1294.08 Required number of off-street parking spaces.              |
| 1294.03 Number of off-street parking spaces.         | 1294.09 Off-street loading requirements.                           |
| 1294.04 Design of parking spaces and aisles.         | 1294.10 Commercial vehicle parking requirements.                   |
| 1294.05 Location and use of required parking spaces. |  |
| 1294.06 Landscaping and screening for parking lots.  |  |

### § 1294.01 PURPOSE.

The purpose of this chapter is to prevent or alleviate the congestion of the public street, to minimize any detrimental effects of parking lots on adjacent properties, to enhance parking lots with landscape elements for improved traffic circulation and visual amenities and to promote the safety and welfare of the public. To accomplish this purpose minimum requirements are established, while more landscaping may be included depending on site specific conditions.

(Ord. 17-2013, passed 9-24-2013)

### § 1294.02 APPLICABILITY.

(a) *Provision of spaces.* When applicable in all districts, in connection with every use, there shall be provided at the time any building or structure is erected, enlarged or increased in capacity or has a change of use, off-street parking spaces for motor vehicles in accordance with this chapter.

(1) *New building or structure.* The off-street parking and loading requirements of this chapter shall apply to any application for a permit for the erection of a new building.

### (2) *Alteration, expansion or change in use.*

For an alteration, expansion or change of use of an existing building; or for an alteration, development or change of land use that requires more parking; or for changes of the capacity of an existing parking area or parking structure the off-street parking and loading requirements of this chapter shall apply only to the area of the alteration, addition or change of use.

Such required space(s) shall be provided with vehicular access to a street or alley. This space shall not thereafter be reduced or encroached upon in any manner unless written approval is provided by the Planning Commission.

Off-street parking spaces are not required for uses in any building existing at the time of adoption of this Code where no off-street parking had been provided previously, unless there is a change use or an enlargement of the building or structure as identified above.

(b) *Maintenance.* The duty to provide and maintain all such areas shall be the joint responsibilities of the owner, operator and lessee of the use for which parking lots are required. Off-street parking areas shall be maintained in good condition



without holes and free of all trash, abandoned or junk vehicles, weeds and other rubbish.

(c) *Plan review.* For any off-street parking area required under this chapter a plan shall be submitted with the application for a Zoning Permit to the Zoning Officer to review for compliance with these regulations and for any other applicable regulations. Any such parking plan shall show the number of parking spaces, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types and location of vegetation to be planted in them, typical cross-sections of pavement, storm water drainage facilities, and any other relevant information requested by the Zoning Officer.

(Ord. 17-2013, passed 9-24-2013)

### § 1294.03 NUMBER OF OFF-STREET PARKING SPACES.

Except as otherwise provided in this section, off-street parking spaces for each new principal use on a lot shall be provided according to the units of measurement indicated for that use in § 1294.08, Required Number of Off-Street Parking Spaces.

(a) *Computation of required spaces.* The following provision shall govern the computation of the number of off-street parking spaces required:

(1) *Fractions.* When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction 1/2 or less shall be disregarded and any fraction over 1/2 shall require one parking space.

(2) *Bench seating calculation.* In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 24 inches of such seating facilities shall be counted as one seat for

the purpose of determining the requirement for off-street parking facilities.

(3) *Use of "Maximum".* When parking spaces are required on the basis of the number of faculty, staff, students or employees, the maximum number present at any one time shall govern. The "maximum number" shall be the same as the "maximum occupancy" as identified on the Building Permit or as identified by the Fire Chief.

(4) *Interpretation.* For uses not expressly listed in § 1294.08, parking spaces shall be provided on the same basis as required for the most similar and restrictive listed use as determined by the Zoning Officer for that specific use based on the intended use, the location of such use and the expected patronage by individuals operating motor vehicles.

(5) *Floor area defined.* For the purposes of applying "floor area," floor area shall be the sum of the gross leasable horizontal area of all floors of a building.

(b) *Spaces for the handicapped.* Parking spaces for handicapped individuals shall be provided in accordance with the provisions of the Ohio Building Code and Ohio R.C. § 3781.111.

(c) *Shared parking.* Shared or joint use of up to 50% of required parking spaces may be permitted for two or more uses located on the same parcel or adjacent parcels provided that the developer can demonstrate to the Zoning Officer that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. This shall be guaranteed by a written agreement from the owner or between the owners involved and all future owners or assigns which shall be submitted with the required plan. Shared parking spaces shall be located no more than 300 feet from the uses they are intended to serve. For shopping centers, parking requirements may be located on adjoining parcels if the parking requirements for the entire shopping center are met, the total number of required parking spaces are located within 300 feet from the uses they are intended

to serve, and there is a recorded agreement from the owner or between the owners involved and all future owners or assigns which shall be submitted with the required plan.

(d) *Maximum number of parking spaces permitted.* In order to prevent excessive lot coverage, the artificial increase in air temperature, and surface water runoff, no minimum off-street parking space requirement in § 1294.08, Required Number of Off-Street Parking Spaces, shall be exceeded by more than 15 percent unless good cause can be shown by the applicant and approved by the Board of Zoning Appeals. Single-Family Dwellings, Two-Family Dwellings and accessory apartments are exempt from this provision.

(Ord. 17-2013, passed 9-24-2013)

**§ 1294.04 DESIGN OF PARKING SPACES AND AISLES.**

Each required parking space shall meet the minimum dimensional requirements set out in as established below.

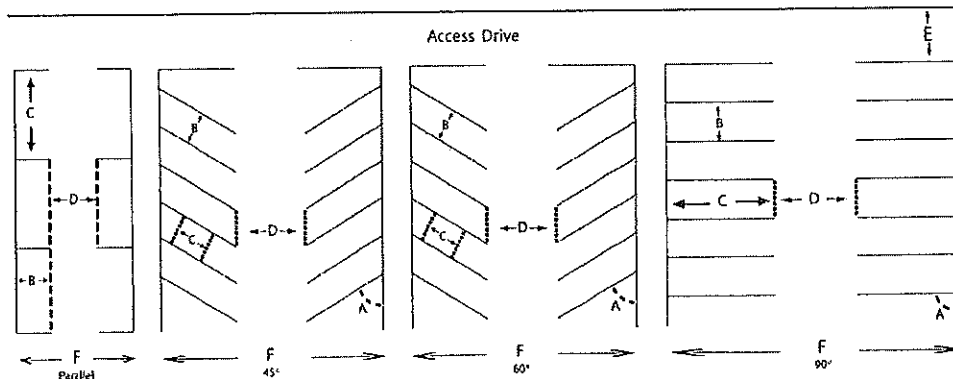
(a) *Aisles and stall dimensions.*

(1) Each required parking space shall have direct and unrestricted access to an aisle of the minimum width and stall dimensions as identified in Figure 1294.04(A)(1) and Figure 1294.04(A)(2):

**Figure 1294.04(A)(1)  
Parking Stall and Aisle Dimensions**

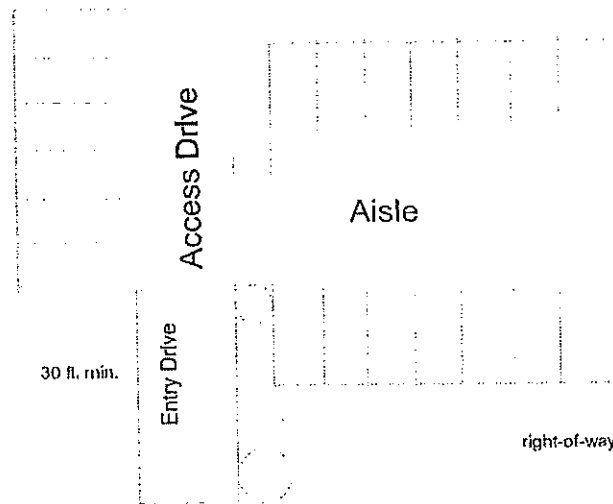
A Parking Angle (in degrees)	B Stall Width	C Length of Stall	D Aisle Width		E Width of Access Drive	F Bay Width (Center to Center Width of Two-Row Bay with Aisle Between)	
			One-Way	Two-Way		One-Way	Two-Way
0	9 ft.	23 ft.	12 ft.	18 ft.	20 ft.	24 ft.	30 ft.
30-53	9 ft.	18 ft.	13 ft.	20 ft.	20 ft.	42 ft.	49 ft.
54-75	9 ft.	19 ft.	18 ft.	22 ft.	20 ft.	52 ft.	56 ft.
76-90	9 ft.	19 ft.	22 ft.	24 ft.	20 ft.	60 ft.	62 ft.

**Figure 1294.04(A)(2)**



(2) Where continuous curbs are used, the paved area of the parking stall length may be reduced by two and one-half feet, provided that the vehicle overhang will not encroach on pedestrian circulation or the required setback for screening and desirable plant growth. Where wheel stops are used, the paved area of the parking stall length required shall not be reduced. If the wheel stop or continuous curb is located adjacent to a sidewalk, the sidewalk shall be constructed to a minimum dimension of five and one-half feet to provide a clear sidewalk area of not less than three feet for pedestrian access.

(b) *Access.* All parking spaces shall be entered and exited directly from parking aisles arranged perpendicular to access drives wherever possible. Parking spaces shall not be permitted along access drives or within thirty feet of the right-of-way or easement line (and at greater distances as may be required by the Planning Commission depending on the traffic generation and parking lot size). Parking spaces shall not be located within eight feet of the curb or pavement edge of such restricted access drive area. The parking setback areas along the entry drive, as required in this section, must be a pervious surface consisting of grass or other landscaping material excluding pavement, gravel or other rock material.



(c) *Maneuverability areas.* In order to promote adequate and safe maneuverability, the following provisions shall be followed:

(1) *Turn-around area.* Where more than three parking spaces are served by a single driveway, a turn-around area shall be provided, or other provision shall be made, to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.

(2) *Back-up area.* Each parking space shall be provided with a sufficient back-up area to permit

egress in one maneuver, consisting of one backward and one forward movement.

(d) *Surface and drainage.* Every off-street parking lot shall be surfaced with an asphaltic or Portland cement binder pavement providing an all-weather, durable, and dustless surface. Individual stalls shall be graded to drain so as to dispose of all surface water within the parking area in accordance with the subdivision regulations. No surface water from parking areas shall accumulate or drain over a public sidewalk. Interior landscaped areas may be used for surface drainage. The use of pervious asphalt

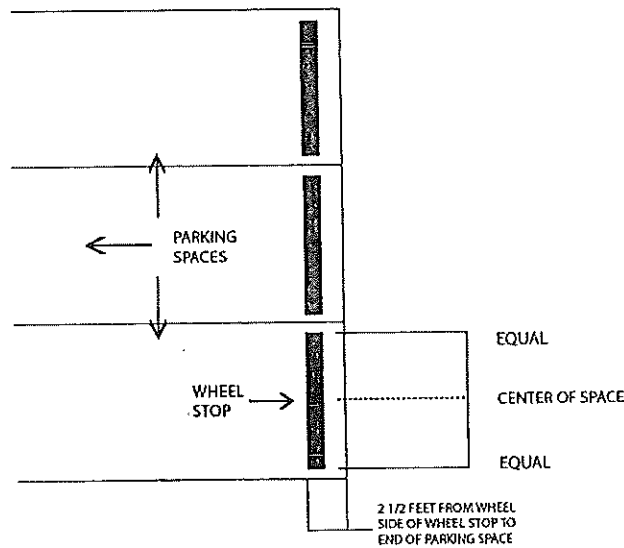
or pavers for nonresidential use is encouraged to prevent surface water runoff. Pervious asphalt or pavers for nonresidential use shall be approved by the Planning Commission prior to installation.

(e) *Lighting.* Fixed lighting shall comply with the provisions contained in § 1294.07 and be so arranged to prevent direct glare of beams onto any public or private property or street.

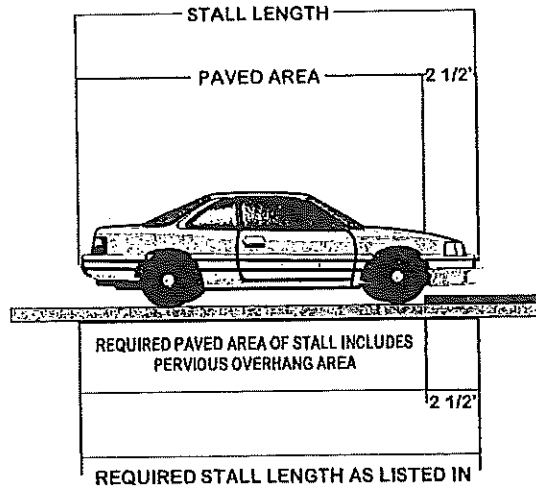
(f) *Wheel stops and continuous curbs.* Wheel stops or continuous curbs shall be provided, located,

and designed to protect required screening, landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.

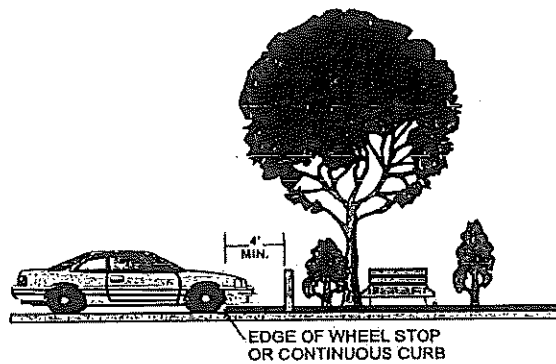
(1) *Wheel stops.* Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material six inches in height, six inches in width, and eight feet in length. Wheel stops shall be placed as shown below and securely attached to the ground and may be used only at the end of parking stalls.



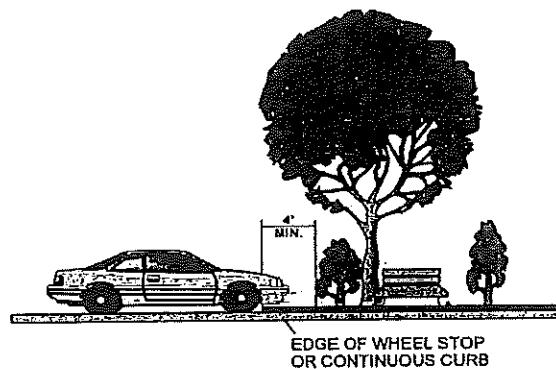
(2) *Continuous curbs.* Continuous curbs shall be made of asphalt, concrete, or block stone, and shall be a minimum of six inches in height and six inches in width. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and turn-around areas which are not protected by wheel stops.



(3) *Placement.* The wheel stop or continuous curb shall be located a minimum of four feet from any structures, buildings, walls, or plant material, excluding ground cover to prevent a vehicle from driving onto the landscape area or hitting any structure or plant material at the edge of the parking area. The mature size of the plant material shall be specified to determine if the landscape meets the setback requirements.



(1) STRUCTURE SETBACK REQUIREMENTS



(2) PLANTING SETBACK REQUIREMENTS

(g) *Slope.* No area of any parking lot, excluding entry drives, shall have a slope in excess of 7%. Entry drives or drives that connect parking areas shall not have a slope in excess of 10%.

(h) *Striping.* All nonresidential parking areas shall be striped between stalls to clearly identify each parking space.

(Ord. 17-2013, passed 9-24-2013)

### § 1294.05 LOCATION AND USE OF REQUIRED PARKING SPACES.

The location and use of required off-street parking spaces shall be governed as follows:

(a) *Off-street parking.* Required off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve, except where these regulations allow shared parking between uses on different lots pursuant to § 1294.03(c).

(b) *Residential parking.*

(1) On any residential use parcel or residential district, no off-street parking area, maneuvering area for parking spaces, or loading area shall be located within any required front yard. This restriction shall not apply to driveways providing access from the street to the required parking area located outside of the required front yard, nor is it intended to prohibit parking of vehicles on such drive serving a detached dwelling. Within ten feet of the right-of-way, the maximum width of the driveway shall be 24 feet in a Single-Family District.

(2) No residential parking area or garage shall be utilized for more than one commercial vehicle owned or normally operated by a resident of the premises and such vehicle shall not exceed one and one-half tons capacity.

(3) The width of off-street parking for single-family detached residential uses shall be limited to the width of the garage or carport. If no garage or

carport exists, the width of the off-street parking area shall be limited to the 12 feet. Additional off-street parking may be permitted in the side yard on a paved area if screened from adjacent properties and approved by the Planning Commission.

(4) Existing off-street parking in residential areas legally existing at the time of adoption of these regulations that do not conform to these regulations can remain until:

A. The existing dwelling is expanded by 20% or more in gross floor area inclusive of carport or garage addition; or

B. The dwelling is damaged to an extent of greater than 33% of its reproduction value.

Under such circumstances, all off-street parking shall conform to these regulations.

(c) *Boats, trailers, recreational vehicles and mobile home units.*

(1) No person shall occupy any boat, camping vehicle, mobile home or trailer on any premises in the Municipality.

(2) The parking of a boat, camping vehicle, mobile home or trailer in an accessory private garage or other accessory building or rear yard shall be permitted at any time, provided that no living quarters shall be maintained and no business shall be conducted in such vehicle while it is parked or stored, and provided, further, that no front or side yard shall be occupied by such boat, camping vehicle, mobile home or trailer for more than ten calendar days in one year. If such unit is temporarily parked in the side yard, it shall not be parked any closer than the required front yard setback or front building line, whichever is greater.

(3) In addition, in any district, the wheels or any similar transporting devices of any boat, camping vehicle, mobile home or trailer shall not be removed except for repairs, nor shall such vehicle or

similar facility be otherwise permanently fixed to the ground in a manner that would prevent the ready removal of such vehicle or similar facility.

(4) The occupancy of a mobile home or office unit providing temporary or emergency residential or office space as a result of fire, flood or similar calamity is permitted for a reasonable length of time while the permanent residence or office facility is repaired. Trailers or similar temporary structures required at a construction site for use by the contractor are permitted, but only during actual construction. They shall not be used for storage prior to construction or remain after completion of the project.

(5) All units shall be appropriately licensed at all times if required by the State of Ohio.

(6) All boats, trailers, recreational vehicles and mobile home units shall be appropriately screened from adjacent properties. Screening shall be approved by the Planning Commission and shall conform to the regulations established in § 1295.05, Landscaping and Screen Standards.

(d) *Parking of inoperable or abandoned vehicles.* The parking or storage of inoperable or abandoned vehicles is prohibited outdoors in all districts and as further provided in this section. The location and duration or temporary parking or storage of an unlicensed operable vehicle may be approved by the Zoning Officer through the issuance of a Temporary Zoning Permit on the basis of the adequacy of the parcel size, condition of the vehicle, visibility from other properties and absence of undue adverse impact on adjacent property or on the area as a whole.

(e) *Commercial vehicles.* No commercial motor vehicle exceeding two tons in rated capacity may be parked in any residential district for longer than 72 consecutive hours unless that commercial vehicle is performing construction or service work, at which point it shall be removed immediately upon the completion of work.

(f) *Traffic patterns.* All parking garages and parking lots shall be located and designed to encourage minimal routing of traffic along public rights-of-way contiguous to blocks that contain primary education facilities or recreation sites designed for children or which have over 50% of their frontage developed with single- or two-family dwellings.

(Ord. 17-2013, passed 9-24-2013)

#### § 1294.06 LANDSCAPING AND SCREENING FOR PARKING LOTS.

(a) *Applicability.* The following shall govern the landscaping and screening of parking lots in the Municipality:

(1) *Scope.* Where new or expanded off-street parking spaces for motor vehicles are created, the regulations and standards of this section shall apply.

(2) *Alteration or expansion.* Where an existing parking lot containing less than 20 contiguous parking spaces is expanded and thereby contains 20 or more contiguous parking spaces, landscaping and screening for the entire parking area shall be provided and not merely to the extent of its expansion.

(3) *Maintenance.* The duty to provide and maintain landscaping or screening for all such areas shall be the responsibility of the owner or agent of public record of the use for which parking lots are required. Landscaped areas shall be healthy, maintained in good condition and free of all trash, weeds and other rubbish.

The Municipality reserves the right to maintain the landscaping or screen if the owner or his or her agent fails to do so within six months of notification by the Zoning Officer. The Municipality reserves the right to assess the cost of maintenance to the property tax bill for the subject property.

(b) *Total landscaping required.* The total landscaping and screening required for parking lots is

22 square feet per parking and stacking space. Interior and streetscape landscaping count toward the minimum square feet of landscaping required per parking space.

(c) *Screening and interior landscaping standards.* Screening and interior landscaping shall comply with the following standards:

(1) *Design.*

A. Interior landscape areas shall be peninsular or island types. This shall include landscaped parking islands or peninsulas, natural or landscaped detention basins located in the front or side yards, and the required streetscape landscaping area.

B. Boundary screening areas shall not be counted as landscape areas for purposes of this section.

C. Screening for off-street parking lots shall be required when the parking lot is located within the front yard in order to soften the visual impact of the parking lot and parked vehicles. Screening shall follow the requirements of Sections 1295.05, Landscaping and Screen Standards and 1295.06, Screening and Buffering Required. With the

exception of trees, screening materials are recommended to be between three and one-half and four and one-half feet in height.

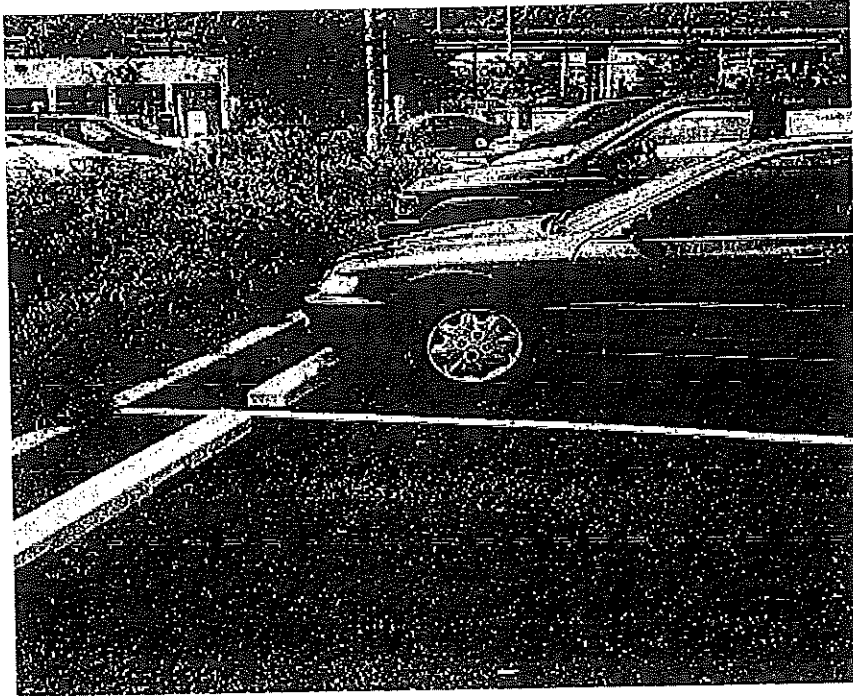
(2) *Location.* All parking spaces must be at least within 125 feet of a landscaped area.

(3) *Minimum area.* The minimum landscape area shall be 100 square feet with a minimum width and length of ten feet.

(4) *Surface.* Any landscape area provided for under this section shall not contain bare soil. Any ground area shall be covered with stones, mulch, vegetative ground cover, or other surface permeable by water.

(5) *Retention basins.* Natural or landscaped detention basins may count toward minimum square footage landscaping requirements when the basins are in the front or side yards. Retention basins are encouraged to be designed as rain gardens which naturally filter surface runoff water prior to transmitting it into the ground. Rain gardens shall follow the general design guidelines established in the handbook, *Rain Garden Guidelines for Southwest Ohio* published by the Ohio State University Extension Office and shall be reviewed and approved by the Municipal Engineer.





(6) *Traffic visibility.* No landscaping shall obscure visibility at vehicular intersections with the parking area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least five feet above the ground and shrubs or ground cover shall not exceed two feet in height. Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.

(d) *Determination of interior landscape requirements.* The landscape requirements shall be computed as follows:

(1) *Interior landscape area requirement.* Determine the landscape area by multiplying the landscape area requirement of 22 sq. ft. per parking and stacking space by the total number of parking spaces on the lot.

(2) *Planting requirements.* To determine the minimum number of canopy trees, use the rate of one canopy tree for each ten parking spaces for retail uses and two canopy trees for each ten parking spaces

for non-retail uses. Any fractional number of trees shall be calculated to the next highest whole number. To determine the total number of required shrubs, multiply the total number of required canopy trees by three. One canopy tree may substitute for three shrubs. Trees and shrubs do not have to be equally spaced, but may be grouped.

(e) *Overlap.* When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other chapter, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

(f) *Credit.* Existing trees and shrubs, fences, walls or berms on a parcel may be used to meet the requirements if they meet the standards established in this chapter and are approved as credit by the Planning Commission.

(g) *Plant installation and maintenance standards.* All new plant material as part of the

requirements for this chapter shall be in accordance with Chapter 1295 Screening and Landscaping.

(h) *Modifications.* In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Planning Commission may, upon proper application by the property owner, and upon making findings of fact, modify the requirements of this chapter provided the existing or resulting landscape features of the development site comply with the spirit and intent of this chapter, Chapter 1295 and other related chapters.

(i) *Authority.* The Planning Commission has the authority to review and approve any proposed landscape modifications.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1294.07 OUTDOOR LIGHTING FOR OFF-STREET PARKING AND LOADING AREAS.**

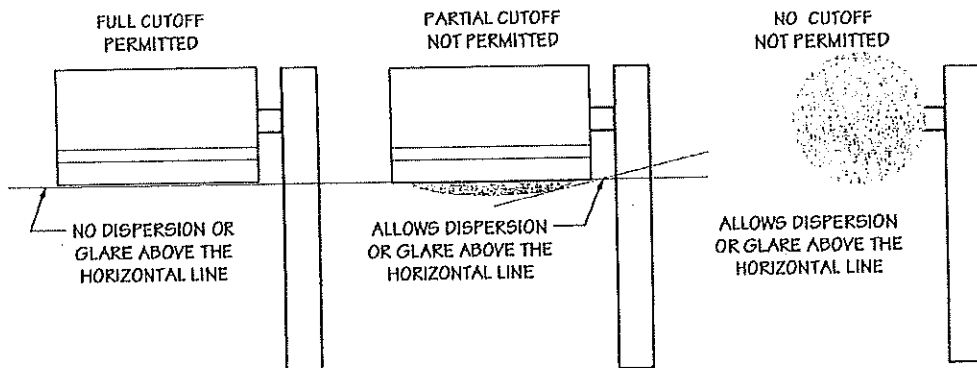
The following restrictions shall apply to any outdoor lighting located in any district or parcels

where there are nonresidential off-street parking spaces.

(a) *Lighting plan required.* A lighting plan is required for any off-street parking and loading area lighting. The following information shall be submitted, as a minimum, in order to effectively evaluate the proposed lighting:

- (1) Pole height or mounting height of lighting fixture;
- (2) Type of luminaries;
- (2) Site coverage;
- (4) Uniformity including the maximum, average and minimum footcandles;
- (5) Intensity at property line in footcandles.

(b) *Height.* All outdoor lighting shall be designed, located, and mounted at heights no greater than 16 feet above grade for non-cutoff lights and 32 feet above grade for cutoff lights. A greater height may be authorized in any district by a Variance approved pursuant to, Chapter 1254. Cutoff and non-cutoff lights are illustrated below:



(c) *Illumination.* All outdoor lighting shall be designed and located with a maximum illumination of 1.0 footcandles as measured at the property line.

(d) *Shielding.* All outdoor lighting for nonresidential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.

(e) *Color and glare.* No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

(f) *Location.* Outdoor lighting need not comply with the yard requirements of this Code, except that

no such light shall obstruct sight triangles as defined in § 1296.04, Obstructions to Traffic Visibility on Corner Lots.

(Ord. 17-2013, passed 9-24-2013)

**§ 1294.08 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.**

The following minimum number of parking spaces shall be provided on the same lot as the use or building they are intended to serve, or may be provided on adjacent lots subject to other provisions of this Section. This Section is also subject to § 1294.03(d), Maximum Number of Off-Street Parking Spaces Permitted.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
RESIDENTIAL USES	FORMULA
Accessory apartment	One space for apartment in addition to the requirement for the single family dwelling
Assisted living, nursing, convalescent home, and continuing care facility	One space per six residents plus one space per employee
Bed and breakfast	Two spaces for owner plus one space for each guest room
Day care, child (in-home)	See single-family detached dwelling
Group home	One space for every resident room plus one space for every 400 square feet of gross floor area, excluding resident rooms
Multi-family dwelling	One and one-half spaces for each dwelling unit for up to two bedrooms
	Two spaces for each dwelling unit for three or more bedrooms
	One space for each five dwelling units for visitor parking
Single-family attached and single-family detached dwelling	Two spaces for up to three bedrooms
	Three spaces for four or more bedrooms
Two-family dwelling	Two spaces for up to three bedrooms
	Three spaces for four or more bedrooms
COMMERCIAL USES	FORMULA
Banquet, or meeting halls	One space for each three seats or one space per 75 square feet of net banquet or meeting floor area where fixed seating is not available
Bar or tavern	One space for every three seats or one space for each 100 square feet of floor area, whichever is greater
Car wash, automated	Five stacking spaces for each automated car wash lane
Car wash, self-service	Four stacking spaces for each stall plus two drying spaces for each stall
Commercial entertainment	One space for each three seats or one space for each 100 square feet of floor area

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
COMMERCIAL USES	FORMULA
Convenience store (with gas pumps)	One space per 200 square feet of net floor area plus one space per pump plus one space per employee
Day care facility	One space per four children of licensed capacity plus one space per employee
Distribution center	One space per 1,500 square feet of gross floor area plus one space per facility vehicle
Drive-in or drive-through facility	Five stacking spaces per drive through lane plus one space per 100 square feet of gross floor area if entirely drive-through. If drive-in facility, one space for each ordering space plus one space per 100 square feet of gross floor area
Financial institution (drive-in service window)	One space per 400 square feet of net floor area plus four stacking spaces for each drive-in service window
Funeral home or mortuary	One space per 75 square feet of parlor or chapel space or one per five seats, whichever is greater, but not less than 20 spaces
Hotel or motel	See motel or hotel
Mixed uses	The sum of spaces of each use reduced by 15%
Motor vehicle filling station (without convenience retail)	One space per each two fuel pumps plus three spaces per service bay (excluding the bay) plus one space per vehicle used in operation of the service and one space for each 50 square feet of attendant area
Motor vehicle service station	Three spaces per service bay (excluding the bay) plus one space per vehicle used in operation of the service and one space for each 50 square feet of waiting room area
Motor vehicle service station and body shop	Three spaces per service bay (excluding the bay) plus one space per vehicle used in operation of the service and one space for each 50 square feet of waiting room area
Motel or hotel	One space per lodging unit plus one space for each 100 square feet of meeting area and/or restaurant space or bar/cocktail lounge
Office (excluding medical)	Three parking spaces for the first 1,000 square feet or fraction thereof, plus one space per 400 square feet of net floor area in excess of 1,000 square feet
Office, medical/dental clinic	Six spaces plus one space per 200 square feet of net floor space in excess of 1,000 square feet
Outside storage	Two spaces for the first 2,000 square feet plus one space for each additional 2,000 square feet
Personal services establishments	One space per 300 square feet of gross floor area
Recreation uses, private	One space for each 50 square feet of pool area
	One space for each 100 square feet of outdoor playground area
	Five spaces for each trail head
	Six spaces for each tennis, racquet ball or handball court
	Ten spaces for each basketball court
	Twenty spaces for each baseball, softball or soccer field

<b>SCHEDULE OF OFF-STREET PARKING REQUIREMENTS</b>	
<b>COMMERCIAL USES</b>	<b>FORMULA</b>
Recreation uses, public	One space for each 50 square feet of pool area
	One space for each 100 square feet of outdoor playground area
	Five spaces for each trail head
	Six spaces for each tennis, racquet ball or handball court
	Ten spaces for each basketball court
	Twenty spaces for each baseball, softball or soccer field
Restaurant	One space per 100 square feet of gross floor area
Restaurant drive-in	Five stacking spaces per lane
Restaurant, fast food	One space per 75 square feet of gross floor area plus five stacking spaces for each drive-through window
Retail business	One space per 250 square feet of net floor area
Self-storage warehouse facility	Three spaces plus one space per 100 individual storage units
Truck transfer terminal	One space per 1,500 square feet of gross floor area plus one space per facility vehicle
Warehouse, storage	One space per 2,000 square feet of warehouse floor area plus additional space for office area as per office requirements
<b>PUBLIC AND SEMI-PUBLIC USES</b>	<b>FORMULA</b>
Government buildings	One space per 250 square feet of net floor area or one space per four patrons, whichever is greater
Government storage yard	One space per employee on maximum shift plus one space per facility vehicle plus one space per 250 square feet net floor area
Hospital	One parking space per bed
Library	One space per 400 square feet of net floor area
Religious place of worship	One space per eight seats or bench seating in the main assembly area
School, elementary (K-6)	One space for each three seats in any auditorium, or one space for each classroom, whichever is greater
School, junior high/middle school	One space for each three seats in any auditorium, or one space for each classroom, whichever is greater
School, senior high	One space per employee plus 12 visitor spaces, plus one space per six students
School, vocational/professional	One space per employee plus one space per two registered student capacity
Telecommunication towers	One space
University or College	One space per two employees plus one space per four students
<b>RECREATIONAL, CULTURAL AND ENTERTAINMENT USES</b>	<b>FORMULA</b>
Athletic/play field	Ten spaces per acre
Club, private	One space for each 50 square feet of net floor area used for assembly, game room, dancing or dining, plus one for each sleeping room
Community (recreation) center	One space per 200 square feet of net floor area

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
RECREATIONAL, CULTURAL AND ENTERTAINMENT USES	FORMULA
Golf course	Four spaces for each hole plus one space for 100 square feet of net floor area in any cocktail lounge, bar, or similar facility
Museum	One space per 400 square feet of net floor area
Outdoor drama theater (not drive-in)	One space for each three seats
Parks, playgrounds	Four spaces per acre
Tennis or racquet clubs, and similar recreation facilities	Eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court
Recreation center, internal	One space per 250 square feet of net floor area
Swim facility	One parking space for each 50 square feet of pool area plus one per employee
OTHER USES	FORMULA
Farm market	One space per 150 square feet of net floor area
Kennel, commercial	One space per 1,000 square feet of net floor area plus one space per employee plus one drop-off space per 20 kennel spaces
Nursery, greenhouse	One space per 250 square feet of indoor net floor area plus one space per 1,000 square feet of net outdoor sales/display areas plus one space for each 1.5 employees
Stable	One space per four stalls plus one space per employee
Veterinarian facility	Three parking spaces for the first 750 square feet or fraction thereof, plus one space for each 300 square feet of net floor area in excess of 750 square feet

(Ord. 17-2013, passed 9-24-2013)

### § 1294.09 OFF-STREET LOADING REQUIREMENTS.

(a) *Scope of application.* Every building or structure erected and occupied for retail, industrial or other uses involving the receipt or distribution of materials or merchandise by vehicle shall provide a permanently maintained space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or required parking areas. Such off-street loading areas shall comply with the following standards in this section.

(b) *Number of off-street loading spaces required.* Off-street loading spaces shall be provided for commercial, and industrial uses in accordance with

the table below. Loading spaces shall not conflict with or overlap with the area used for parking.

Gross Floor Area of Structure (in square feet)	Number of Required Loading Spaces
0 - 10,000	0
10,000 - 50,000	1
50,001 - 100,000	2
100,001 - 200,000	3
200,001 - 400,000	4
Each additional 200,000 over 400,000	1

(c) *General standards.* Every loading space shall be designed, constructed, and maintained in

accordance with the standards and requirements set forth below.

(1) *Location of required loading spaces.* Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot line of a more restrictive district while being loaded or unloaded. No such space shall be closer than 50 feet to any other lot located in any Residence District, unless wholly within a completely enclosed building.

(2) *Dimensions.* No required loading space shall be less than 12 feet in width or 35 feet in length or have a vertical clearance of less than 14 feet.

(3) *Access.* Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. Access to and from loading spaces shall be approved by the Zoning Officer.

(4) *Surface.* All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, Portland cement, concrete, or other suitable materials capable of withstanding 1,000 pounds per square inch (psi).

(5) *Drainage.* Individual stalls shall be graded to drain so as to dispose of all surface water within the parking area in accordance with the subdivision regulations. No surface water from parking areas shall accumulate or drain over a public sidewalk.

(6) *Screening.* All operations, material, and vehicles within any loading space that are visible from public streets or from residential uses shall be screened. The screening material, upon installation, shall be at least six feet in height, 100 percent opaque, and shall meet the requirements for screening as set forth in Chapter 1295, Screening and Landscaping. (Ord. 17-2013, passed 9-24-2013)

#### § 1294.10 COMMERCIAL VEHICLE PARKING REQUIREMENTS.

This section shall be applicable to all uses where commercial and fleet vehicles are parked.

(a) *Minimum setbacks.* Any vehicular storage yard shall be located behind the minimum front yard setback or the front building line for the site, whichever is greater.

(b) *Screening.* All vehicular storage yards that are visible from public roads or residential districts shall be screened. The screening material shall be at least six feet in height and 100 percent opaque, upon installation, and shall meet the requirements for screening as set forth in Chapter 1295.

(c) *Contractor equipment.* Contractor equipment shall not be parked or stored on site as to be visible from the public right-of-way.

(d) *Stored vehicles.* Vehicles that are not moved daily or which will not be moved for a period of more than 48 hours shall be parked so that they are not visible from the public right-of-way. (Ord. 17-2013, passed 9-24-2013)

## CHAPTER 1295: SCREENING AND LANDSCAPING

### Section

- |  |  |
|--|--|
| 1295.01 Intent.                              | 1295.07 Screening requirements.  |
| 1295.02 Applicability.                       | 1295.08 Modification.  |
| 1295.03 General requirements for submission. | 1295.09 Clear sight distance at street and access drive intersections. |
| 1295.04 Approval.                            | 1295.10 Screening for service structures.                              |
| 1295.05 Landscaping and screen standards.    |  |
| 1295.06 Screening and buffering required.    |  |

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### § 1295.01 INTENT.

The purpose of this chapter is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to require screening between incompatible land uses and to protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

The purpose of this chapter is to provide minimum standards involving the development of land to:

- (a) Provide attractive views from roads and adjacent properties on a year-round basis;
  - (b) To screen from view visually undesirable uses on a year-round basis;
  - (c) To require screening between incompatible land uses on a year-round basis; and
  - (d) To protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and artificial light glare on a year-round basis.
- (Ord. 17-2013, passed 9-24-2013)

### § 1295.02 APPLICABILITY.

This section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single-family dwellings and two-family dwellings (duplexes). Substantial expansion of existing structures shall be defined as an increase of the existing structure by 20 percent or more.

(Ord. 17-2013, passed 9-24-2013)

### § 1295.03 GENERAL REQUIREMENTS FOR SUBMISSION.

Any property to which this section applies shall submit a landscaping plan to the Planning Commission as part of the Site Plan Review process required in Chapter 1254. Screening plans shall be prepared by a nursery and/or certified by a design professional practicing within their areas of competence. The site plan shall contain the following information:

(a) Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1" = 20' and shall include the following minimum information:

- (1) North arrow and scale.
- (2) The name of applicant/owner.



(3) The name, address and phone number of the person or firm responsible for the preparation of the buffering plans.

(4) The dates the plans are submitted or revised.

(5) All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.

(6) All existing plant material to be removed or retained and all new landscaping materials to be installed.

(7) All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.

(8) All property lines and easements.

(9) Any other information which is deemed appropriate by the Zoning Officer.

(b) Details shall be shown for the planting of the types of trees, shrubs and ground cover within the screening or landscaped area.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1295.04 APPROVAL.**

(a) No site or development plan required under this Zoning Code shall receive final approval unless a landscaping plan has been submitted and approved.

(b) No Determination of Permissible Use Certificate shall be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:

(1) Such plan has been fully implemented on the site; or

(2) Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the Municipality.

(c) The Zoning Officer may request the review and approval of the Planning Commission at any time.

(d) The Municipality reserves the right to request the review a landscaping plan by a landscape architect registered in the State of Ohio. In such case, the Municipality shall notify the applicant of its intent and that all costs associated with the review of the plan shall be passed on to the applicant.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1295.05 LANDSCAPING AND SCREEN STANDARDS.**

(a) *Maintenance of landscaping and screening.* All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times and shall remove all noxious, invasive or poison type plants. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Building Official to refuse an occupancy permit, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this section.

(b) *Screening establishment.* Once a screen has been approved by the Planning Commission and established by the owner, it may not be used, disturbed or altered for any purpose that would decrease its effectiveness.

(c) *Quality and installation.* All specifications for the quality and installation of trees and shrubs shall be in accordance with the most recent edition of

*American Standards for Nursery Stock* published by the American Association of Nurserymen. Trees shall be identified on the approved Street Tree List located in Appendix F of the Woodlawn Subdivision Regulations. In addition:

(1) All plant material shall be free from disease and damage.

(2) All plant material shall be planted in a manner that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic.

(3) All required plant material shall be planted within one year or by the next planting season, as outlined in the latest edition of *American Standards for Nursery Stock*, after all construction activity in the area of the new planting has ceased.

(d) *Size.*

(1) Canopy trees shall be deciduous trees with a minimum of 12 feet overall height or a minimum caliper of 2-1/2 inches when installed, and have an expected height of at least 35 feet at maturity.

(2) Evergreen trees shall be a minimum of five feet in height when installed.

(3) Understory trees shall be a minimum of five feet in height in clump form or 1-1/2 inch caliper in single stem form when installed.

(4) Shrubs shall be at least 18 inches in height or 24 inches in spread when installed.

(e) *Screens.* The objective of providing a screen is to visually hide whatever is behind the screen. The screen shall be 100% opaque. The following standards for each screening material shall be required.

(1) *Plant material height requirements.* When plant material is used as screening it shall meet all height requirements in accordance with this chapter. Height requirements will be considered met when plants are selected whose height at maturity

meet such requirements as certified by a licensed landscape architect or certified horticulturist.

(2) *Planting requirements.* To be counted towards screening requirements, evergreen trees and evergreen shrubs shall be planted close enough to fulfill the objective as defined in this section. Recommended spacing to achieve this is as follows:

A. Spreading evergreen trees should be planted eight feet on center. Narrow evergreen trees should be planted four feet on center. Designation of evergreen trees as spreading or narrow shall be certified by a licensed landscape architect or certified horticulturist.

B. Evergreen shrubs should be planted at a maximum of four feet on center.

(3) *Combination of materials.* Plant material may be used in conjunction with fences, walls and berms but the overall effect shall be a continuous 100% opaque screen at maturity. Plants may be planted in rows or be staggered, but the overall effect shall be a 100% opaque screen.

(4) *Fences and walls.* Natural screening (plantings, berming, etc.) is preferred, however fences or walls can be used, where appropriate, to create an effective screen between incompatible uses.

A. Fences or walls used to fulfill screening requirements shall be detailed on the landscaping plan. They are to be of weather-proof materials. This includes pressure treating, staining or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooded or synthetic slat material shall not be permitted to satisfy screening requirements.

B. Fences or walls to be used as screens shall be approved by the Planning Commission during review of the landscape plan and shall be in conformance with regulations as established in § 1296.24, Fences, Walls and Hedges. (Ord. 17-2013, passed 9-24-2013)

**§ 1295.06 SCREENING AND BUFFERING REQUIRED.**

In order to provide protective screening and buffers for residential areas adjacent to nonresidential areas or for off-street parking lots located in the front yard or are adjacent to public rights-of-way, the Planning Commission shall require a wall, fence or greenbelt to be provided by the nonresidential property owner in accordance with the screening requirements set forth in § 1295.07, Screening Requirements. The Planning Commission shall also use the following criteria to evaluate proposed screening requirements:

(a) Screening areas shall be provided for the purpose of minimizing the conflict between incompatible land uses and improving the aesthetic and functional quality of new development.



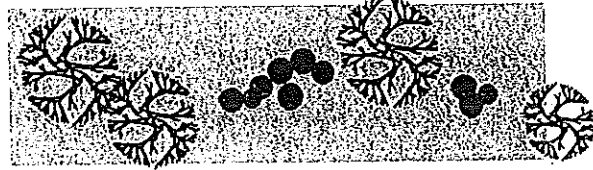
(b) Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.

(c) The Planning Commission may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1295.07 SCREENING REQUIREMENTS.**



WHEN...	IS PROPOSED TO ABUT...	A MINIMUM SCREEN OF...
Any commercial	Any residential zone or land use	Evergreen trees planted at the boundary at a standard of one tree per 25 feet of linear distance and an opaque fence shall be installed six feet in height and placed at the nonresidential property line. The area between such fence and the property line shall be treated with plantings to form a permanent landscaped area. Such buffer area shall be a minimum of 15 feet in width.
Any office land	Any residential zone or land use	
Any industrial	Any residential, office or commercial zone or land use	
Any multiple-family land use	Any R-S, R-Z, R-3 or R-4, zone or land use	A screen as specified in Figure 1295(a).
Any institutional land use	Any residential zone or land use	A screen as specified in Figure 1295(a).
Any nonresidential use or parking lot	Any public right-of-way	A streetscape as specified in Figure 1295(b).

Figure 1295.07(a) - Boundary Screen

Minimum width of screen	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		4	15
15 ft.		4	12.5
25 ft.		4	10

- Notes:
- 1 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
  - 2 A fence, wall, or berm 6 ft. to 8 ft. in height may be used and can substitute for shrub requirements.
  - 3 All landscape material required for the buffer shall be confined to the boundary buffer.

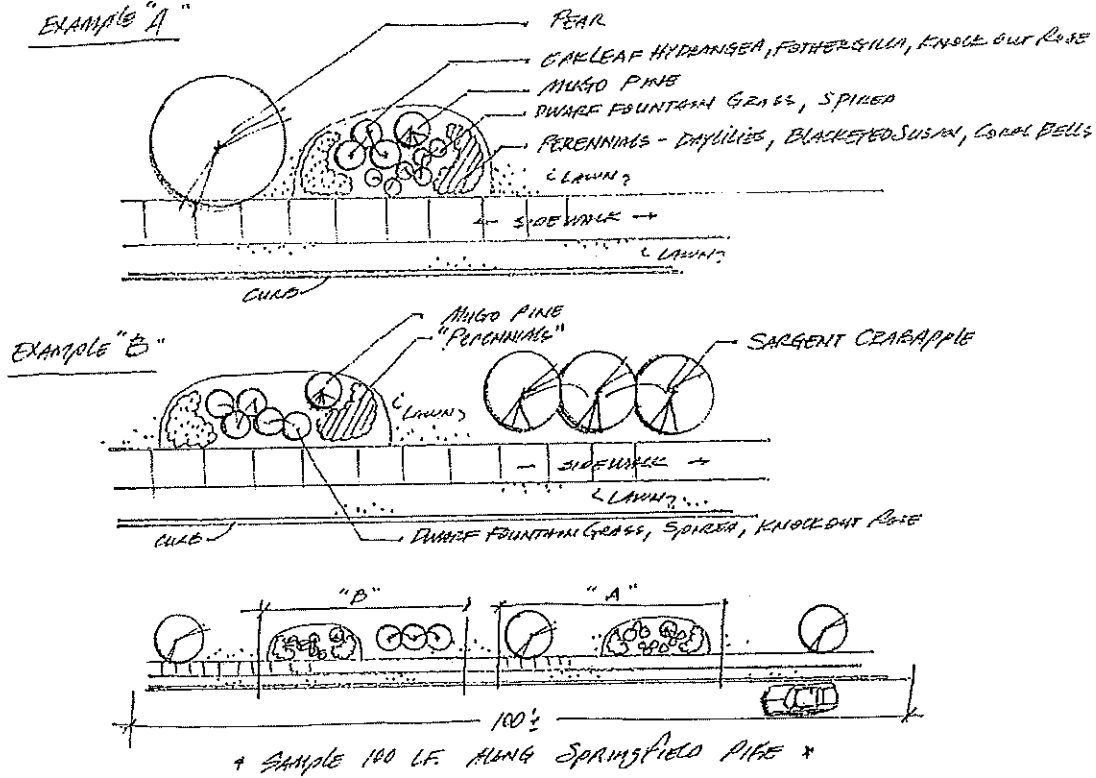
Figure 1295.07(b) - Streetscape

Minimum width of Streetscape	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
OPTION 1 10 ft.		2.5	20
OPTION 2 20 ft. (Average Range 20 to 20 ft.)		5 (or existing woodland area)	

Notes:

1. Berms shall be a minimum 3 ft. height.
2. A fence or wall 3 ft. to 4 ft. in height with 50% or less of its surface open or a minimum 3 ft. grade drop from the right-of-way to the vehicular use area may be used and can be substituted for 50% of the shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.

Figure 1295(c) - Springfield Pike Streetscape



(Ord. 17-2013, passed 9-24-2013)

**§ 1295.08 MODIFICATION.**

The Planning Commission shall have the authority to modify any of the aforementioned requirements in this chapter, in considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will develop a compatible buffer or screen with the surrounding neighborhood at the time of application.

(Ord. 17-2013, passed 9-24-2013)

**§ 1295.09 CLEAR SIGHT DISTANCE AT STREET AND ACCESS DRIVE INTERSECTIONS.**

(a) *Purpose.* To ensure that landscape materials do not constitute a driving hazard, a clear sight

triangle will be observed at all street and access drive intersections.

(b) *Definition.* A "clear sight triangle" is the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. See illustration in § 1295.09(d), Restrictions Within Clear Sight Triangles.

(c) *Design.* The entire area of the clear sight triangle should be designed as illustrated in § 1295.09(d), Restrictions Within Clear Sight Triangles, to provide the driver of the vehicle entering the intersection with an unobstructed view to all points nine feet above the roadway along the centerline. The recommended distance depends upon the design speed

of the higher-order street and therefore is greater for arterial streets than for collectors.

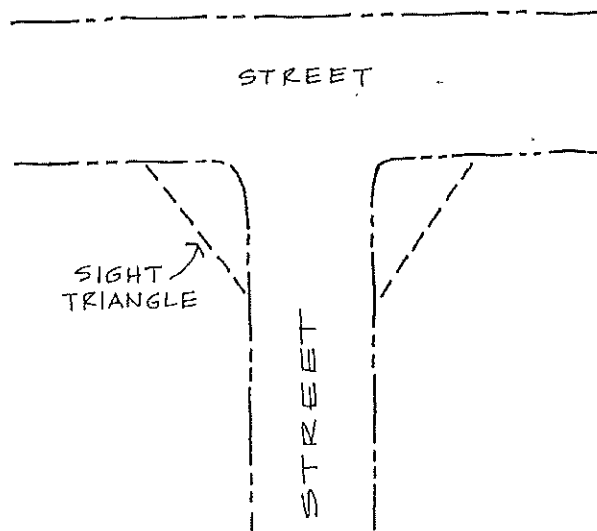
(d) *Restrictions within clear sight triangles.*

(1) Within the sight triangle no landscape material with a mature height greater than 12 inches shall be permitted with the exception of trees which conform to the following standards. Trees shall be permitted within the sight triangles as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and nine feet above the ground, or otherwise does not present a traffic visibility hazard. Restrictions shall not apply to the following:

A. Existing natural grades which, by reason of natural topography, rise 12 or more inches above the level of the center of the adjacent intersection;

B. Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices.

(2) The restrictions contained in this section shall also apply to any areas outside the clear sight distance triangle that fall within the sight distance requirements of the Municipal Engineer.



(Ord. 17-2013, passed 9-24-2013)

**§ 1295.10 SCREENING FOR SERVICE STRUCTURES.**

Service structures shall include but not be limited to: loading docks, propane tanks, and dumpsters, electrical transformers, above-ground utility vaults and other equipment or elements providing service to a building or a site. The screening height shall be based upon the tallest of the structures but in no case

shall the screening be required to exceed eight feet in height.

(a) *Location of screening.* A continuous planting of evergreen, fence or wall must enclose any service structure on all sides, unless such structure must be frequently moved or accessed. In such cases, screening may not be required on the side of the service structure where frequent service is occurring.

A fully closable gate shall effectively screen the service structure at the point of service or access.

(b) *Curbs to protect screening material.*

Whenever screening material is placed around any dumpster, trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

(Ord. 17-2013, passed 9-24-2013)





## CHAPTER 1296: PROVISIONS RELATING TO ALL DISTRICTS

### Section

- |  |   |
|--|---|
| 1296.01 Conversion of dwellings  | 1296.16 Lots of record.   |
| 1296.02 Rear dwellings.  | 1296.17 Exceptions to height limitations.   |
| 1296.03 Accessory uses in Residential Districts ("R" Districts).                     | 1296.18 Frontage and yard modifications.  |
| 1296.04 Obstructions to traffic visibility on corner lots.                           | 1296.19 Projections into yards.   |
| 1296.05 Computation of yards or parking areas.                                       | 1296.20 Number of principal buildings on a lot.   |
| 1296.06 Off-street parking and loading.  | 1296.21 Regulations for drive-in, drive-through, or carry-out eating and drinking establishments. |
| 1296.07 Encroaching garage doors.  | 1296.22 Home occupations.   |
| 1296.08 Essential services.  | 1296.23 Dumpsters and trash-handling areas.   |
| 1296.09 Unsafe buildings.  | 1296.24 Fences, walls and hedges.   |
| 1296.10 Parking and occupancy of boats, camping vehicles, mobile homes and trailers. | 1296.25 Satellite dishes.   |
| 1296.11 Green belts.   | 1296.26 Outdoor bulk storage and display in Commercial and Industrial Districts.                  |
| 1296.12 Swimming pools.  | 1296.27 Outdoor storage in residential areas.   |
| 1296.13 Sexually oriented businesses.  | 1296.28 Junk storage.   |
| 1296.14 Motor vehicle service and filling station.                                   | 1296.29 Portable storage units.   |
| 1296.15 Performance standards.   | 1296.30 Medical marijuana cultivation facilities, processing facilities, and dispensaries.        |

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### § 1296.01 CONVERSION OF DWELLINGS.

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Zoning Code, and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject to such further requirements as may be specified in this Zoning Code with the regulations applying to such district. (Ord. 17-2013, passed 9-24-2013)

### § 1296.02 REAR DWELLINGS.

No building in the rear of a principal building on the same lot shall be used for residential dwelling purposes unless it conforms to all the yard and other open space and off-street parking requirements of this Zoning Code. For the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there shall be provided for any such rear dwelling an unoccupied and unobstructed access way, not less than 20 feet wide, to a public street, for each dwelling unit in a dwelling, or an access way not less than 50 feet wide for three or more dwelling units. (See §§ 1252.05 and 1296.19.) (Ord. 17-2013, passed 9-24-2013)

**§ 1296.03 ACCESSORY USES IN RESIDENTIAL DISTRICTS ("R" DISTRICTS).**

(a) *Generally.* An accessory building in an "R" District may be erected detached from the principal building. Except as provided in § 1296.19, no accessory building shall be erected in any required court or yard, except in a rear yard. An accessory building of 100 square feet or less may be placed in any required rear yard in any residential district, provided it is located not less than five feet from all rear and side property lines. Accessory buildings or structures shall not exceed 600 square feet in size.

(b) *Front setback.* No accessory use or structure in any "R" District, except an off-street parking area subject to Chapter 1294, shall be permitted nearer to any front lot line than 50 feet or any closer than the front building line of the principal building if the building is greater than 50 feet from the front property line, unless such use or structure is contained within or constitutes an integral part of the main building.

(c) *Side and rear setback.* In any "R" District, accessory buildings and uses shall not be less than five feet from all rear and side property lines.

(d) *Accessory building without principal building.* In any "R" District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building.

(e) *Carports.* In any "R" District, a carport may be constructed or erected as an accessory structure to an existing residential structure, provided that a request for a permit to construct or erect such carport shall be submitted to the Zoning Officer. Carports are not subject to the same side yard setback requirements as may be stipulated in this Zoning Code for garages, provided that fire separation requirements of the Ohio Fire Code are met. Because a carport is not enclosed on its sides, a solid fence or hedge shall be required to prevent visibility from an adjacent side yard.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.04 OBSTRUCTIONS TO TRAFFIC VISIBILITY ON CORNER LOTS.**

In any district, on any corner lot, no fence, structure or planting shall be erected or maintained which interferes with traffic visibility across the corner as regulated in § 1295.09, Clear Sight Distance at Street and Access Drive Intersections.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.05 COMPUTATION OF YARDS OR PARKING AREAS.**

No part of a yard, court, parking area or other space, provided for any building or structure for the purpose of complying with this Zoning Code, shall be included as part of the yard, court, parking area or other space required under this Zoning Code for another building or structure.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.06 OFF-STREET PARKING AND LOADING.**

In every district, spaces for off-street parking and loading shall be provided in accordance with Chapter 1294, Off-Street Parking and Loading.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.07 ENCROACHING GARAGE DOORS.**

Every garage building or portion of a main building used for garage purposes shall be so equipped that the doors, when open or being opened, will not project beyond any lot line of the lot on which such building is located.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.08 ESSENTIAL SERVICES.**

Essential services, as defined in Chapter 1253, Definitions, shall be permitted as authorized and requested by law.  
(Ord. 17-2013, passed 9-24-2013)

### § 1296.09 UNSAFE BUILDINGS.

Nothing in this Zoning Code shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority, however, such improvements must conform to nonconforming regulations.  
(Ord. 17-2013, passed 9-24-2013)

### § 1296.10 PARKING AND OCCUPANCY OF BOATS, CAMPING VEHICLES, MOBILE HOMES AND TRAILERS.

(a) In any "R" District placing a boat, camping vehicle, trailer, or mobile home shall be prohibited, except that one trailer (as defined in Chapter 1253) or one boat may be parked or stored in a garage or other accessory building or rear yard in any Residential District.

(b) No occupancy for human habitation shall be maintained or business conducted therein while such trailer or boat is so parked or stored.

(c) The wheels or any similar transporting devices of any such trailer permitted within any Residential District shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.  
(Ord. 17-2013, passed 9-24-2013)

### § 1296.11 GREEN BELTS.

(a) *Buffers between districts.* Green belts may be required as buffers between different zoning districts. Where required, such green belts shall be maintained as landscaped yards by the property owner when a property containing a green belt is developed.

(b) *Landscaping.* Landscaping for all green belts shall be approved by the Planning Commission.

(c) *Maintenance.* All green belts shall be maintained. No person shall fail to maintain the green

belt landscaping and other features in accordance with the approved landscaping plan.  
(Ord. 17-2013, passed 9-24-2013)

### § 1296.12 SWIMMING POOLS.

(a) *Defined types.* As used in this Zoning Code, "swimming pool" means a permanently constructed or portable water-filled enclosure, having a depth of more than 18 inches below the level of the surrounding land or an above surface enclosure having a depth of more than 30 inches, designed, used and maintained for swimming or bathing purposes. A swimming pool may be of three types:

(1) *Private.* Exclusively for the use of the residents or tenants of the property and their guests, at no charge;

(2) *Semipublic.* A pool operated for profit;  
or

(3) *Public.* A pool operated for the use and benefit of the general public wherein a nominal admission fee may be charged, but only by the Municipality or a nonprofit corporation.

(b) *Distance requirements.*

(1) A private pool, if accessory to a residential use, may be located anywhere on the premises except in a required front yard, provided it is located not closer than ten feet to any property line of the property on which it is located, and provided, further, that pump and filter installations shall be located not closer than 15 feet to any property line.

(2) Semipublic and public pools shall conform to the building setback requirements of the district in which they are located.

(c) *Fencing.*

(1) *Private pools.* A private swimming pool shall be walled or fenced with a 60-inch minimum height barrier, and any gate giving access to the

swimming pool shall be a minimum of 60 inches in height and have a self-closing, self-locking latch, all for the purpose of preventing uncontrolled access from the street or from adjacent properties.

(2) *Semipublic and public pools.* A semipublic or public pool shall be walled or fenced with an eight-foot minimum height barrier, and shall have a self-closing, self-locking latch, all for the purpose of preventing uncontrolled access from the street or from adjacent properties.. The barrier shall not exceed ten feet in any Residence District or 15 feet in a nonresidential district.

(d) *Drainage.* Adequate provisions for drainage shall be made, subject to approval by the Municipal Engineer, provided that all of the Municipal Engineer's fees shall be paid by the applicant.

(e) *Lighting.* Any lighting used to illuminate the pool area shall be so arranged to direct the light away from adjoining properties.

(f) *Permits required.* No person shall construct or install a swimming pool or make any alteration thereon or to the appurtenances thereof without submitting an application and plans therefor to the Building Commissioner and acquiring a permit before construction starts. Any semipublic or public pool which sells concessions shall obtain a permit from the County Health Department. Concessions may be sold in a noncommercial district only by conditional use permit approval. They shall be consumed onsite and shall only be sold to members and guests.

(g) *Other requirements.* Semipublic and public pools shall provide adequate parking and restroom facilities and shall meet other standards determined by the Building Commissioner to be necessary to ensure adequate safety and health.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.13 SEXUALLY ORIENTED BUSINESSES.**

A sexually oriented business is a conditional use within the I-P District. A conditional use for such

facilities shall not be approved unless the general standards set forth in § 1254.08, Conditional Use Permits, and the following minimum conditions are complied with:

(a) *Minimum location requirements.* No sexually oriented business shall be established within 1,000 feet of:

(1) Any Residential (R) District; or

(2) Any public, private, governmental or commercial library, school, teaching facility, park, recreational facility, religious place of worship, child day care facility, day care facility, playground or swimming pool; or

(3) Any other sexually oriented business.

(b) *Prohibited public display.* No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

(c) *Public view to be prevented.* All building openings, entries, windows, etc. for sexually oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

(d) *External audio and visual impact.* No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

(e) *Interior design.* The interior of any adult book store shall be lighted and constructed in such a manner that every portion thereof (except restroom facilities) is readily visible to the clerk or supervisory personnel from the facility's counter or other regular work station.  
(Ord. 17-2013, passed 9-24-2013)

### § 1296.14 MOTOR VEHICLE SERVICE AND FILLING STATION.

In addition to the other relevant District regulations, service stations and filling stations shall be reviewed by the Planning Commission during Site Plan Review as required by § 1254.12, Site Plan Review, and shall be further regulated using the standards and regulations that follow.

(a) *Lot area and frontage.* The lot shall have an area of not less than 32,670 square feet, and at least one street frontage of not less than 150 feet.

(b) *Location of entrances.* No motor vehicle service or filling station shall have an entrance or exit for vehicles if located on the same side of the street and within 50 feet of a Residence District, nor shall any part of such automobile service station or filling station have an entrance or exit for vehicles within 200 feet, along the same side of a street, of any school, public park, cemetery, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street onto which the lot in question does not abut.

(c) *Location of facility equipment.* Gasoline pumps, compressed air connections, vacuum cleaners and similar equipment shall be erected not closer than 30 feet to any right-of-way or property line. A canopy over the pumps may be located no closer than 30 feet to any right-of-way or property line, as measured from the overhang of the canopy.

(d) *Yards.* Each service or filling station structure shall have a minimum setback of at least 40 feet from all right-of-way lines except as modified here.

(e) *Outside storage.* No outside storage shall be permitted for filling or service stations unless the outside storage area is enclosed with masonry walls or a permanent solid fence. Large outside displays, such as racks of tires, bagged mulch, soft drinks and windshield wiper fluid, are prohibited. Small displays on pump islands for motor oil, wiper blades and the like shall be permitted.

(f) *Canopy lighting.* Light fixtures mounted on or under canopies or bays shall be of full cut off design, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the structure.

(g) *Driveways.* All plans for access and egress to service and filling stations shall be approved by the Zoning Officer, who shall ascertain that all driveways used to provide accessibility to these uses shall be located and arranged to minimize traffic congestion in conformity with the following:

(1) *Lot with frontage less than or equal to 150 feet.* Not more than one driveway shall be permitted on a lot with a frontage less than or equal to 150 feet. Such driveway shall have a maximum curb cut width of 30 feet.

(2) *Lot with frontage in excess of 150 feet.* Each lot with a frontage in excess of 150 feet may have two driveways, provided that they are so located and constructed as to provide safety to pedestrians and motorists using such property, and provided, further, that there shall be a minimum of 50 feet of unbroken curb between successive driveways on the same or adjoining land uses.

(3) *Minimum distance from intersections.* In all cases, the minimum distance of driveways from street intersections shall be 50 feet, measured from the nearest side of the driveway to the nearest right-of-way line of the intersecting street.

(h) *Rental trailers and trucks.* If rental trailers and/or rental trucks are stored on the premises, as provided for or regulated in this Zoning Code, a minimum lot area of 12,000 square feet, in addition to the minimum lot size required in § 1296.14(a), above, shall be devoted exclusively to the service station use, and there shall be provided, behind the main or principal building or structure, an enclosure for fully enclosing the storage of rental trailers and trucks on such premises. Such enclosure shall be a wall not more than 15 feet in height or lower than six feet, provided that no trailers or trucks shall exceed the

height of the enclosure. Such provisions shall be subject to approval by the Planning Commission.

(i) *Accessory buildings.* No accessory building or structure shall be permitted except for the storage of rental trailers and rental trucks as provided for in subsection (h) hereof. A canopy structure, car wash structure or dumpster enclosure may be permitted if allowed within the district.

(j) *Parking.* No vehicle shall be parked within the required front yard of a motor vehicle service station or filling station, except a vehicle actually being served at the pump island in which are located the operating gasoline pumps or as a customer within the store. No person who is the operator of such a service station or filling station or any employee of such person shall permit any vehicle to stand out of doors on such property for more than 48 hours.

(k) *Signs.* Signs shall be subject to Chapter 1292, Signs and Outdoor Advertising. Use of building fascias and fascias of free-standing canopies over pump islands for identification signs or signage that lists merchandise for sale and prices thereof, when such signage exceeds the sign display areas stipulated in Chapter 1292, shall be permitted only when such signage is approved by the Board of Zoning Appeals.

(l) *Paving and curbing.* The entire lot, other than the area landscaped, shall be paved with a permanent surface of concrete or asphalt with a raised concrete curb of not less than six inches in height except for driveway openings. Sidewalks, as required by Municipal regulations, shall be installed, and all landscaping shall be approved by the Planning Commission. All driveway approaches, including those within the public right-of-way, shall have a six-inch-high concrete curb.

(m) *Abandonment.*

(1) If a motor vehicle service station or filling station is abandoned, such station shall be presumed to be a nuisance affecting or endangering surrounding property values and detrimental to the

public health, safety, convenience, comfort or property, or the general welfare of the community, and shall be abated. As used in this section, "abandoned" means a failure to operate such service station or filling station for at least six consecutive months in any 18-month period.

(2) Whenever the Zoning Officer finds any motor vehicle service station or filling station to be abandoned, he or she shall give notice in the same manner as service of summons in civil cases, or by certified return receipt mail addressed to the owner of record of the premises at his or her last known address or to the address to which tax bills are sent, or by a combination of such methods, to abate such abandoned condition within 60 days, either by: (a) placing the station in operation in accordance with this Zoning Code and other applicable laws and regulations of the Municipality; (b) by adapting and using the building or structure for another permitted use in the district in which it is located; or (c) by razing the station, removing the pumps and signs, abandoning underground storage tanks in accordance with accepted safe practice as prescribed by the National Fire Protection Association in Appendix C to N.F.P.A. No. 30, under the supervision of the Municipal Fire Chief or other designated official, and filling the depression to the grade level of the lot. However, if the station is in operation at the time notice is given and remains in operation for 90 consecutive days thereafter, this paragraph shall not apply. If a national emergency is declared, which emergency would curtail the operation of motor vehicles, or if Council determines that there exists a state of general economic depression, this paragraph shall not apply.

(Ord. 17-2013, passed 9-24-2013)

**§ 1296.15 PERFORMANCE STANDARDS.**

(a) *General requirements.* No land or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard; noise or vibration; smoke; dust; odor or other form of air pollution; heat; cold; dampness; electrical

interference; or other substance, condition or element (referred to herein as "dangerous or objectionable elements"), in such a manner or in such an amount as to adversely affect the adjoining premises or surrounding area, provided that any use permitted or not prohibited by this Zoning Code may be established and maintained if it conforms to this section at the point of the determination of its existence.

(b) *Nonconforming uses.* Certain uses established before the effective date of this Zoning Code and nonconforming as to performance standards, shall be given a reasonable time in which to conform with this section, as determined by the Planning Commission.

(c) *Existing and new uses.*

(1) *Investigation by Zoning Officer.* Whenever it is alleged that a use of land or structure creates or is likely to create or otherwise produce dangerous and objectionable elements, the Zoning Officer shall make a preliminary investigation of the matter and shall forward its report, together with all preliminary findings and evidence, to Planning Commission. If the Commission concurs in the allegation that dangerous or objectionable elements exist or are likely to be created, it shall request Council to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of such dangerous or objectionable elements and of practical means of remedying such condition.

(2) *Determination of existence.* The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent. However, the measurements necessary for enforcement of performance standards shall be taken, in any "I" District, at the boundary of such District, or at any point within an adjacent nonindustrial district.

(3) *Enforcement.* Upon receipt of the findings and recommendations of such specialist or

laboratory, the Commission may approve, partially approve or disapprove the measure recommended therein and instruct the Zoning Officer to proceed with the enforcement of measures in accordance with Chapter 1254, Administration and Enforcement.

(4) *Costs of investigation.* The Municipality shall bear the costs of various tests, consultant fees or other investigations which are required in this section, provided that the owner of the property under investigation shall reimburse the Municipality for all such expenses if the operation or use of such property is found to be in violation of this section by the Commission, or if contested, by a court of competent jurisdiction. Such reimbursement shall be made within 30 days from the date of a final Planning Commission ruling or court judgment.

(5) *Continued compliance.* Any use authorized under this section shall comply continually herewith and shall remedy any additional dangerous or objectionable elements which may develop in the course of its operation.

(6) The following minimum performance standards shall apply to all uses in the Municipality:

A. *Fire and explosion hazards.* All activities including storage, involving flammable or explosive materials, shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

B. *Air pollution.* No emission of air pollutants shall be permitted which violate the Clean Air Act Amendment, as amended from time to time, as enforced by the Ohio Environmental Protection Agency.

C. *Glare and heat.* Any operation producing intense light or heat, such as high temperature processes like combustion, welding or otherwise, shall be performed within an enclosed



building and shall not be visible beyond any lot line bounding the property whereon the use is conducted.

D. *Dust and erosion.* Dust or silt shall be minimized through landscaping, paving or other adequate means in a manner as to prevent their transfer by wind or water to points off of the lot in objectionable quantities.

E. *Liquid or solid wastes.* No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

F. *Vibrations and noise.* No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernable without instruments at or beyond the property lines of the subject premises.

G. *Odors.* No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

H. *Electrical interference.* No use shall operate so as to produce an electrical interference with adjacent properties.

I. *Light and glare.* All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, canopy or parking lot lighting shall be regulated as follows:

1. Exterior lights shall be fully shielded to prevent the visibility of the light bulb from adjacent properties. Furthermore, all external lighting shall be so designed and situated so as not to cause glare on adjacent properties.

2. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, fixture height, fixture aim or a combination of these or other factors to mitigate light glare and trespass.

3. Light fixtures mounted on or under canopies or bays shall be of full cut off design, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the structure.

4. Any lawful lighting fixtures located within the Municipality at the effective date of this Zoning Code which does not conform to the provisions of this section may continue, provided the lighting remains in conformance with the provisions of this section.

5. Nothing in this section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

6. Legal nonconforming status shall terminate under the following conditions:

a. If a light fixture is no longer used for a period of six months it shall be deemed abandoned and shall not thereafter be reestablished; or

b. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or

c. If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged beyond repair.

Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this section, or the lighting fixture(s) shall be removed.

7. Lighting found by the Municipality to create a public safety or nuisance can be ordered removed or altered at any time upon a complaint filed by the Zoning Officer. Such complaint will be heard before the Planning Commission at a regularly scheduled meeting for review and a recommendation to Council. Council shall make a final determination regarding the complaint at a regularly scheduled meeting.  
(Ord. 17-2013, passed 9-24-2013)

#### § 1296.16 LOTS OF RECORD.

(a) *Permitted dwellings.* In any district where dwellings are permitted, a single-family detached dwelling may be erected on any lot of official record on the effective date of this Zoning Code, irrespective of its area or width, provided that the applicable yard and other open space requirements are complied with, and provided, further, that:

(1) In areas presently platted for lots less than 50 feet wide, a building site is taken to be a combination of lots to make at least a 50-foot wide building site.

(2) Where an isolated lot less than 50 feet wide cannot be combined with another lot to make a minimum 50-foot wide building site, all house plans shall be approved by the Planning Commission.

(3) Plans for any house for a building site which does not meet zoning requirements for that area shall be submitted to the Planning Commission for approval. The Commission shall consider architecture, spacing relative to adjacent improvements or potential adjacent improvements, pleasing presentation on the lot, and parking provisions.

(b) *Minimum yards.* In no case shall the width of any side yard be less than five feet, provided that on

a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight feet, or 20 percent of the frontage, whichever is greater. In no case shall the depth of the rear yard be less than ten feet. Front, side or rear yard encroachments as specified in § 1296.18 shall be prohibited in the case of substandard lots of record.

(Ord. 17-2013, passed 9-24-2013)

#### § 1296.17 EXCEPTIONS TO HEIGHT LIMITATIONS.

(a) The height limitations stipulated elsewhere in this Zoning Code shall not apply to the following:

(1) Farm buildings, architectural features, etc. Barns, silos or other farm buildings or structures on farms; church spires, belfries, cupolas and domes; monuments; water towers; fire and hose towers; observation towers; chimneys; smokestacks and flag poles on parapet walls extending not more than four feet above the limiting height of the building, may exceed the height limitations set forth in this Zoning Code, provided that none of the structures set forth in this paragraph is higher than 75 feet from ground level, unless on a building higher than 70 feet, in which case they cannot exceed 90 feet from ground level.

(2) *Radio and television transmitters or receiving towers, masts and antennae.* All such structures that exceed 300 feet in elevation above ground level shall be located in an Industrial District, shall not be closer than 300 feet to any other district, shall be in as inconspicuous a location as possible and shall be approved by the Planning Commission, provided that the tower, mast or aerial is of a safe design and meets all the criteria set forth in this paragraph. No other antennae shall exceed 35 feet above ground level in "R" Districts, and 75 feet in all other districts, except television satellite dish antennae, which shall not be higher than ten feet above ground level. All such antennae shall be subject to the accessory use regulations applicable to the district in which they occur.

(3) *Places of public assembly.* Places of public assembly in churches, schools and other permitted public and semipublic buildings may exceed the height limitations set forth in this Zoning Code, provided that such places of assembly are located on the first floor of such buildings, and provided, further, that for each three feet by which the height of such a 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 one foot over the side and rear yards required for the highest building otherwise permitted in the district.

(4) *Elevator penthouses, water tanks, etc.* Elevator penthouses, water tanks, monitors and scenery lofts may exceed the height limitations set forth in this Zoning Code, provided that no linear dimension of any such structure exceeds 50 percent of the corresponding street lot line frontage. Towers, monuments, cooling towers or other structures may exceed the height limitations set forth in this Zoning Code where a greater height is required.

(b) *Minimum requirements.* All structures above the heights otherwise permitted in the district in which they are located shall not occupy more than 25 percent of the area of the lot and shall be not less than 50 feet in all parts from every lot line.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.18 FRONTAGE AND YARD MODIFICATIONS.**

(a) *Buildings on through lots.* Buildings on through lots shall conform to the front yard requirements for each street. In the case of reversed frontage, an accessory building shall not extend beyond the setback line of the rear street.

(b) *Frontage modifications.* In the case of curvilinear streets and cul-de-sacs, the Board of Zoning Appeals may authorize a reduction of the otherwise specified frontage or lot width in "R" Districts along the front property line, provided that:

(1) The lot width at the building line shall equal the frontage or lot width required in the district where located;

(2) The front lot line shall not be less than 30 feet in any event; and

(3) Such reduction of frontage shall not result in a reduction of the required lot area.

(c) *Average depth of front yards.* In any "R" District, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is less than the least front yard depth prescribed elsewhere in this Zoning Code, the required depth of the front yard on such lot shall be modified. In such cases, the depth of the front yard shall not be less than the average depth of the existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining. However, the depth of a front yard on any lot shall be at least ten feet.

(d) *Computation of rear and side yards.* In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

(e) *Side yard modifications.* Each side yard, where required, shall be increased in width by one foot for each 15 feet or fraction thereof by which the length of the side wall of a building exceeds 50 feet. This pertains only to the adjacent sides.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.19 PROJECTIONS INTO YARDS.**

(a) *Architectural features.* Certain architectural features may be permitted to project into required yards or courts as follows:

(1) Certain architectural features may project into any required front yard or into any required side yard adjoining a side street lot line.

(2) Cornices, canopies, eaves or other architectural features may project a distance not exceeding two feet, six inches.

(3) Fire escapes may project a distance not exceeding four feet, six inches.

(4) Bay windows, balconies, uncovered porches and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(b) *Interior side yards.* Subject to the limitations set forth in paragraph (a)(1) hereof, the features described in subsection (a) hereof may project into any required side yard adjoining an interior side lot line a distance not to exceed one-fifth of the required least width of such side yard, but not more than three feet in any case.

(c) *Rear yards.* Subject to the limitations in subsection (b) hereof, the features named therein may project into any required rear yard the same distances they are permitted to project into a front yard.  
(Ord. 17-2013, passed 9-24-2013)

#### § 1296.20 NUMBER OF PRINCIPAL BUILDINGS ON A LOT.

Every building hereafter erected or structurally altered shall be located on a lot as herein identified. There shall not be more than one principal building on a lot. Where properties are used for institutional, commercial, industrial or multiple family purposes, more than one principal building may be located on the lot, subject to Site Plan Review, § 1254.12. In such instance, all buildings shall conform to all yard and open space requirements at the perimeter of the lot for the district in which the lot is located.  
(Ord. 17-2013, passed 9-24-2013)

#### § 1296.21 REGULATIONS FOR DRIVE-IN, DRIVE-THROUGH, OR CARRY-OUT EATING AND DRINKING ESTABLISHMENTS.

In addition to the other relevant District regulations, drive-in, drive-through or carry-out eating and drinking establishments shall be reviewed by the Planning Commission during Site Plan Review, as required by § 1254.12, and shall be further regulated as follows:

(a) The location must be located on an arterial road; said road must be adequate to carry the additional traffic generated by the establishment. The Municipality may require the applicant to commission the preparation of a traffic impact study by a qualified traffic engineer to determine the adequacy of the roadway.

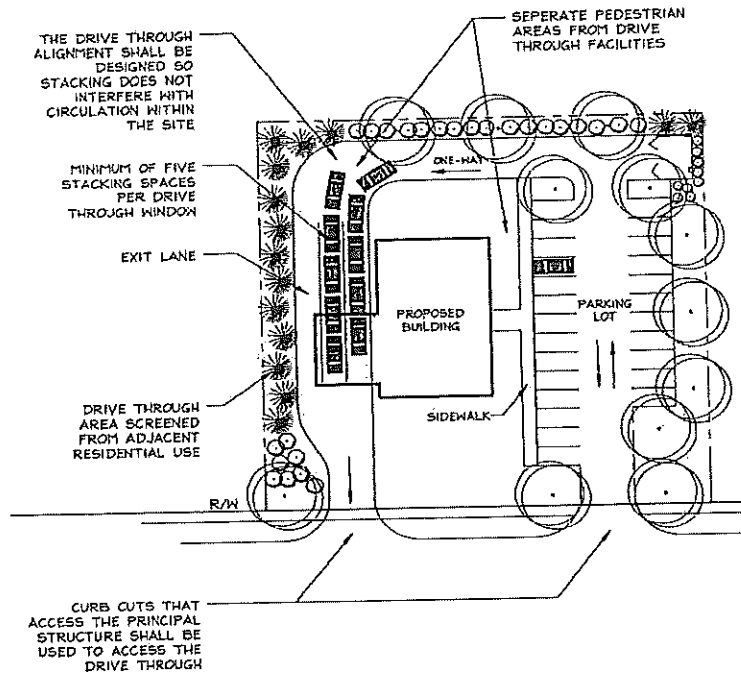
(b) A minimum of five stacking spaces per drive-thru lane shall be required.

(1) Such waiting areas shall not obstruct off-street parking spaces or internal circulation on site.

(2) Waiting spaces shall be situated in such a manner that vehicles using the drive-through or drive-in facilities are traveling in a continuous forward motion.

(3) A bypass lane shall be required to permit unimpeded circulation around a drive-through lane. A bypass lane shall not include parking spaces.

[See illustration of following page]



(c) Exterior lighting, including illuminated signage, shall be so shielded or directed that the light intensity or brightness shall not extend beyond the subject property line, to be determined by the submission of a photometric lighting plan.

(d) A solid fence or wall four to six feet in height shall be constructed where any off-street parking area is located, adjacent to a dwelling unit or any residentially zoned parcel of land. An evergreen hedge maintained in good condition may be substituted for the required fence or wall, provided however, that the evergreen hedge provides an opaque screen to prevent the glare of headlights onto adjoining properties and provided that the Planning Commission approves such.

(e) Speakers used for taking orders shall not be able to be heard from adjacent property.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.22 HOME OCCUPATIONS.**

Home occupations shall be subject to the following conditions in addition to use regulations in various districts:

(a) No person, other than members of the family residing on the premises shall be engaged in such home occupation.

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(c) The external appearance of the structure in which the use is conducted shall not be altered. Furthermore, no external alteration, construction or reconstruction of premises to accommodate the use shall be permitted.

(d) One non-illuminated sign of not more than one square feet in area, attached flat against the building, shall be permitted.

(e) The home occupation may increase parking and traffic flow by no more than one vehicle at a time.

(f) There shall be no outside storage of any kind related to the home occupational use and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.

(g) No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupational use, shall be created.

(h) No equipment, process, materials or chemicals shall be used which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances detectable to normal senses off the premises. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

(i) The neighborhood shall not be adversely affected by said home occupation.

(j) A home occupation shall comply with all Federal, State, County and Municipal regulations that are pertinent to its operation in addition to those contained in this section.

(Ord. 17-2013, passed 9-24-2013)

### § 1296.23 DUMPSTERS AND TRASH-HANDLING AREAS.

The following requirements shall apply to all dumpsters, trash handling areas, and related service entrances in non-single-family developments:

(a) *Setbacks.* Dumpsters, trash handling areas and related screening, shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed. The dumpster(s) shall be located on a concrete pad constructed of sufficient strength for the dumpsters and vehicles that will empty the dumpsters. A curb of a minimum of six inches in height shall be located between the dumpsters and fence to prevent damage to the fence.

(b) *Location of screen.* Any such dumpster or trash-handling area shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties located in a residential, office, or commercial district. If the access to the dumpsters is visible from the public right-of-way, a gate shall be installed that fully screens the dumpsters.

(c) *Height and construction of screen.*

(1) Any fence or wall required under this section shall have a height no greater than seven feet and no less than five feet.

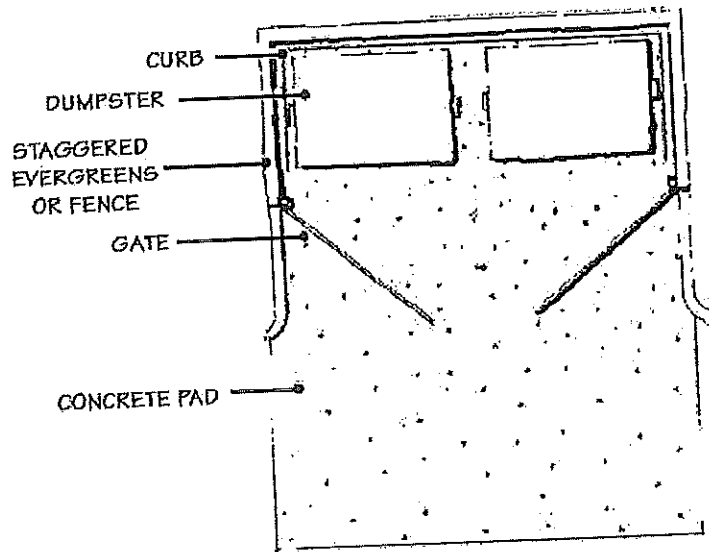
(2) Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than 25% of the wall surface left open.

(3) Any fence shall be constructed in a durable fashion of wood posts and/or planks with minimum diameter or width of three inches and with no greater than 25% of the fence surface left open between posts and/or planks.

(4) Fence, wall and gate materials shall be of a similar material or painted similarly to the main building.

Woodlawn - General Offenses Code

§ 1296.23



(Ord. 17-2013, passed 9-24-2013)

§ 1296.24 FENCES, WALLS AND HEDGES.

Fences, walls, and hedges are permitted in all Districts, subject to the following conditions:

(a) Location.

(1) No fence, wall, or hedge utilized for enclosure purposes shall be closer to any public street than 20 feet from the front property line.

(2) The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall or hedge upon their property.

(3) Ornamental fences, hedges and walls which are not intended to be an enclosure and which do not exceed four feet in height and which have an aggregate length in any one direction of 15 feet, shall be permitted in yards adjacent to street rights-of-way, except as further restricted on corner lots by § 1296.04, Visibility Across Corner Lots. Decorative fences, such as, but not limited to, split rail, architectural post and picket and wrought metal, may

be located closer to the front lot line with the specific approval of the Planning Commission.

(b) Height.

(1) Residential districts.

A. On interior side or rear lot lines, fences, walls or hedges shall not exceed six feet in height.

B. On interior side or rear lot lines, fences, walls, and hedges may be up to eight feet in height with approval from the Planning Commission.

(2) Business and industrial districts.

A. On interior side or rear lot lines, fences and walls shall not exceed ten feet in height.

(c) Materials.

(1) Fences shall not contain an electric charge.

(2) Barbed wire, razor wire, or any other type of anti-climbing wire shall only be permitted, upon approval of the Planning Commission, in the industrial district.

(3) Materials used for fences shall be of traditional fencing materials (wrought iron, chain link, pressure treated lumber, cedar, redwood, PVC, etc.) and shall be constructed of weather resistant materials or treated so that they are weather resistant.

(4) Decorative or ornamental fences located in any front yard shall be at most 50 percent opaque. Split rail, chain link, wrought iron and picket fences are types of fences with opacity of at most, 50 percent.

(5) The finished or most decorative side of the fence shall face away from the property erecting the fence.

(d) *Maintenance.* The fence, wall or hedge and the property surrounding both sides of the fence, wall or hedge shall be properly maintained at all times.

(e) *Certificate required.* Fences and walls shall require a Zoning Certificate.  
(Ord. 17-2013, passed 9-24-2013)

#### § 1296.25 SATELLITE DISHES.

Satellite dishes, where permitted as an accessory use, are subject to the following conditions:

(a) *Zoning Certificate; when required.* A Zoning Certificate is required for the erection or installation of satellite dishes except as identified below.

(1) Digital satellite dishes (DSS) and satellite dishes three feet or less in diameter shall be permitted to be placed on any dwelling or building in any district and shall not require a Zoning Certificate. However, the satellite dish shall be placed in the most inconspicuous place that permits reception on the property.

(2) Satellite dishes exceeding three feet in diameter shall require a Zoning Certificate.

(b) *Submission requirements for dishes requiring a Zoning Certificate.* No person, firm or corporation shall undertake the construction, erection or installation of any non-exempt satellite dish (see subsection (a) above) without a Zoning Certificate issued in accordance with the provisions of this section. In addition to the requirements of this section, the application for such Certificate shall include the following:

(1) A description of the type and size of satellite dish proposed;

(2) A plot plan of the lot, premises, or parcel of land showing the location of the proposed satellite dish and all other buildings and structures thereon;

(3) Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;

(4) Details of the method of assembly and construction of the proposed satellite dish;

(5) A statement indicating that the satellite dish shall be placed in the most inconspicuous place that permits reception on the property.

(c) *Location.*

(1) Ground-mounted satellite dishes shall be set back from the rear or side property line a minimum equal to the measurement of the height of the dish. However, in no case, shall the ground-mounted satellite dish be located closer than three feet to the property line.

(2) Satellite dishes shall be prohibited in the front yard of the property on which it is located unless no other placement is possible to achieve a signal.



(d) *Height and size.*

(1) For exempt satellite dishes, the maximum diameter shall not exceed three feet.

(2) For non-exempt satellite dishes, the maximum height of any ground-mounted satellite dish shall not exceed ten feet above the finished grade and its diameter shall not exceed 12 feet.

(3) The maximum height of any roof-mounted satellite dish shall not exceed the roof height it is mounted on by more than four feet.

(e) *Landscaping, materials and maintenance.*

(1) The satellite dish apparatus, where mounted to the ground, shall be screened with shrubbery and/or landscaped if visible from the public right-of-way.

(2) The satellite dish shall be of one color and shall not contain any advertising other than that of the manufacturer or system.

(3) The satellite dish apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.  
(Ord. 17-2013, passed 9-24-2013)

**§ 1296.26 OUTDOOR BULK STORAGE AND DISPLAY IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

The following regulations shall apply to outdoor bulk storage or displays in commercial and industrial districts:

(a) The outdoor storage or display of bulk goods including retail and seasonal items such as firewood, landscaping materials and mulch shall be controlled by the following regulations:

(1) The outdoor storage or display of merchandise, inventory or materials shall not interfere with required off-street parking or the safe and

unobstructed use of vehicular or pedestrian accessways or walkways or block any natural drainage.

(2) The outdoor storage of merchandise, inventory or materials shall not be located in any required yard area within the lot nor shall it be visible from the public right-of-way.

(3) Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed six feet in height. Such fence shall be constructed out of a material that is similar in nature to the principal structure on the lot or painted in similar color of the principal structure on the lot.

(4) All permitted outdoor storage or display shall be maintained in a neat and orderly fashion.

(5) As part of an outdoor display, only a sample of materials, to properly identify the merchandise for sale on the premises, shall be permitted. The remaining materials, if not stored indoors, shall be considered outdoor storage, subject to the regulations of this section.

(6) Outdoor storage or display locations shall be approved by the Zoning Officer upon the application of the record owner of the property.

(b) Applications for outdoor storage or display areas shall be on a form provided by the Zoning Officer and shall be submitted with a site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage or display area on the property as a whole. The Zoning Officer may request the specific review and approval of the Planning Commission on any application. The review and approval of the Board of Zoning Appeals may be requested by any applicant whose application has been rejected or modified by the Zoning Officer or Planning Commission, which request must be made in writing and must be made within 30 days of such rejection or modification.  
(Ord. 17-2013, passed 9-24-2013)

### § 1296.27 OUTDOOR STORAGE IN RESIDENTIAL AREAS.

The outdoor storage of materials in a residential district shall not be permitted in the front yard for more than 48 hours. Outdoor storage shall be located behind the front building line of the dwelling and shall be stored in an orderly manner (e.g. stacked) and shall remain free of stagnant water and vermin. The Municipality may require the screening of items stored outdoors.

(Ord. 17-2013, passed 9-24-2013)

### § 1296.28 JUNK STORAGE.

The accumulation and/or storage of junk vehicles, disabled or inoperative machinery and equipment, dismantled parts of vehicles, machinery or equipment, discarded appliances and furnishings, other junk and debris, shall be prohibited except when stored within a completely enclosed building or structure.

(Ord. 17-2013, passed 9-24-2013)

### § 1296.29 PORTABLE STORAGE UNITS.

(a) *Purpose.* The purpose of these regulations is to regulate the use and location of portable storage units. These units are typically known by the names: PODS (Portable On Demand Storage Units), SAM (Store and Move), SmartBox USA, and UNITS. These types of units are typically used for moving, temporary storage during construction and other purposes as may be listed below.

(b) *Definition.* For the purposes of this section, the term "portable storage unit" shall mean any enclosed unit of durable construction or material, typically eight feet in width by eight feet in height by 16 feet long, designed for temporary storage, which are transported by truck and left on site or are filled and removed and stored at a central location.

(c) *General regulations.* Portable storage units may be permitted as a temporary use in any zoning district as follows:

#### (1) *Location and timeframe.*

A. *Temporary use for new construction.* Portable storage units are to be removed within three days after use of the unit is no longer necessary or when construction is complete, whichever is sooner.

B. *Moving and relocating in residential districts.*

1. If used by an occupant of a property for moving or relocating, a portable storage unit shall only be located on a paved surface on the property for a period of not more than seven days or for a period of 14 total days in any 365-day period.

2. Portable storage units shall not be located any closer to an adjacent property than the required minimum side or rear yard setback for accessory uses in the district the unit is located.

#### C. *Other districts.*

1. Portable storage units shall not be permitted in any non-residential districts for temporary or permanent on site storage unless expressly permitted by the Planning Commission.

2. When permitted, a portable storage unit shall be located on a paved surface on the property for a period of not more than seven days or for a period of 14 total days in any 365-day period.

3. Portable storage units shall not be located any closer to an adjacent parcel than the required minimum side or rear yard setback for accessory uses in the district that the unit is located.

#### (2) *Prohibitions.*

A. No portable storage unit shall be used for human or animal occupation.

B. Portable storage units larger than those identified in § 1296.29(b), Definition, shall be

prohibited in the Municipality unless expressly permitted by the Planning Commission.

C. Only one portable storage unit shall be permitted on the property at any time.

D. No portable storage unit shall be located in a public right-of-way.

E. No electrical or plumbing service shall be connected to or provide in the portable storage unit.

(3) *Public nuisance.* The placement of any portable storage unit shall be located in such a manner on any property as not to create a public nuisance such as creating a motor vehicle visibility issue.

(4) *Permit required.* Any portable storage unit shall require a Temporary Use permit to be issued by the Zoning Officer. The permit fee shall be as established by the Municipal Council and shall be good for the period specified on the permit.  
(Ord. 17-2013, passed 9-24-2013)

#### **§ 1296.30 MEDICAL MARIJUANA CULTIVATION FACILITIES, PROCESSING FACILITIES, AND DISPENSARIES.**

Medical marijuana cultivation facilities and processing facilities shall be conditional uses in the districts so designated in this Zoning Code. Medical marijuana dispensaries are prohibited in all zoning districts in the Village.

(Ord. 13-2017, passed 6-27-2017)

## CHAPTER 1297: CELLULAR OR WIRELESS COMMUNICATIONS SYSTEMS

### Section

- |  |                        |
|--|------------------------|
| 1297.01 Purpose.   | 1297.06 Maintenance.   |
| 1297.02 Definitions.   | 1297.07 Removal.       |
| 1297.03 Application procedure.   | 1297.08 Miscellaneous. |
| 1297.04 Use regulations.   |                        |
| 1297.05 Standards for approval for cellular or wireless communications antenna and towers. |                        |

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### § 1297.01 PURPOSE.

It is the purpose of these regulations as set out herein in this Chapter 1297 and known as "Cellular or Wireless Communications Systems" to:

(a) Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the Municipality;

(b) Minimize adverse visual effects of communications towers and support structures through proper siting, design and screening;

(c) Avoid potential damage to adjacent properties from communications towers and support structure failure; and

(d) Encourage the joint use of any new and existing communications towers and support structure to reduce the number of such structures needed in the future.

(Ord. 17-2013, passed 9-24-2013)

### § 1297.02 DEFINITIONS.

The following definitions shall apply to this section:

(a) "Personal wireless services" means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.

(b) "Cellular communication services" means personal communication accessed by means of cellular equipment and services.

(c) "Cellular or wireless communications antenna" shall mean any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground wired communication systems such as panels, microwave dishes, and omni-directional antennas such as ships and other equipment utilized to serve personal communication services. Not included in this definition: AM, FM, Ham Radio and Television Broadcasting antenna.

(d) "Cellular or wireless communications site" shall mean a tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other

uses associated with a and ancillary to cellular or wireless communications transmission.

(e) "Cellular of wireless communications support structure" shall mean any building or structure, including equipment shelter, guy wire anchors, accessory to but not necessary for the proper functioning or the cellular or wireless communications antenna or tower.

(f) "Cellular or wireless communication, height of" shall mean the height from the base of the structure, at grade, to its top; including any antenna located thereon. Grade shall be determined as the elevation of the natural or existing topography to the ground level prior to construction of the tower.

(g) "Micro antenna" shall mean any cellular or wireless communication antennas which consist solely of the antenna and which do not have any supporting structures other than brackets, including micro cells. Micro antennas shall be equal to or less than five feet in height and with an area of not more than 580 square inches.

(Ord. 17-2013, passed 9-24-2013)

**§ 1297.03 APPLICATION PROCEDURE.**

Any company or individual wishing to place a cellular or wireless communications antenna or tower within the Municipality, must attend an application conference with the Building Commissioner or his assignees. At this conference, the applicant must submit:

(a) A preliminary site plan depicting the proposed site to scale; and

(b) A rendering of the proposed tower in relation to the existing site.

(Ord. 17-2013, passed 9-24-2013)

**§ 1297.04 USE REGULATIONS.**

The following use regulations shall apply to cellular or wireless communication antennas and towers.

(a) A cellular or wireless communication site may be permitted in the Industrial Park Zoning District subject to the requirements set forth herein.

(b) Cellular or wireless communications sites in the Industrial Park Zoning District shall not be located any closer to any residential zoning district than as follows:

(1) Cellular or wireless communication towers less than 100 feet in height shall be located no closer than 100 feet to any residential zoning district.

(2) For any cellular or wireless communication tower exceeding 100 feet in height, the tower may not be located closer to any residential zoning district than a distance equal to 100 feet plus one foot for each foot of height that the tower exceeds 100 feet.

(c) A cellular or wireless communications antenna may be mounted to an existing structure, such as a communications tower (whether said tower is for cellular or wireless purposes or not), smoke stack, water tower or other tall structures in the Industrial Park Zoning District or in another zoning district if a permit has been granted. Communication antenna may only be placed on the top of buildings that are no less than 35 feet in height.

(d) Micro antennas not exceeding five feet in height may be attached to any existing building located in an area described in the preceding section and shall not be subject to the setback requirements or other cellular or wireless communication towers provided it is placed on the roof of an existing building.

(e) All other uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.

(Ord. 17-2013, passed 9-24-2013)

**§ 1297.05 STANDARDS FOR APPROVAL FOR CELLULAR OR WIRELESS COMMUNICATIONS ANTENNA AND TOWERS.**

The following standards shall apply to all cellular or wireless communications antennas and towers. The Municipality may deny application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

(a) *Tower placement.* The cellular or wireless communications company shall demonstrate, using the latest technological facts, why the antenna or tower must be placed in Woodlawn in order to serve its necessary function in the company's grid system. Part of this demonstration shall include a drawing showing the boundaries of the area around the proposed location which would probably also permit the antenna to function properly in the company's grid system. Said location shall be within the Industrial Park Zoning District.

(c) *Co-location.* If the communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within the allowable zone, asked for permission to install the cellular communications on those structures, and was denied for either non-economic reasons or that a clearly unreasonable economic demand was made by the owner, based on prevailing market values. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, buildings over 35 feet in height, antenna support structures or other cellular or wireless communication towers.

(c) *Antenna/tower height.* The applicant shall demonstrate that the antenna/tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirements as set out in subsection (b). No antenna that is taller than the necessary height shall be approved. The maximum

height of the antennae/tower permitted shall be 185 feet.

(d) *Setbacks from the base of tower.* If a new cellular or wireless communications tower is to be constructed in the Industrial Park Zoning District, the minimum distance between the base of the tower or any guy wire anchors and any property line which abuts a zoning district other than a residential district shall be no closer than the greater of the following:

(1) Forty percent of the tower height;

(2) The minimum setback in the underlying zoning district; or

(3) Fifty feet.

(e) *Cellular or wireless communications tower safety.* All cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by the manufactures. Furthermore, the applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. However, if a specific safety issue in question is determined to be regulated by either FCC Regulations or applicable Building Code Regulations; and, the operation or construction is in compliance with such regulations, then this requirement for safety shall be deemed to have been met.

Subsequent to the installation of a cellular or wireless communications tower site, if it is determined by the Municipal Council, upon presentation of proper and sufficient documentation, and after a public hearing, that the operation of a cellular or wireless communications tower is inherently dangerous or is a demonstrable health hazard, the cellular or wireless communication tower shall be declared to be a nuisance and all operation shall cease. The tower or antenna shall also be removed as provided under § 1297.07. However, no order of removal shall be made if it is inconsistent with existing FCC Regulations.

(f) *Fencing.* A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet in height and shall be erected to prevent access to non-authorized personnel.

(g) *Landscaping.* Landscaping with proper drainage in compliance with a plan approved by the Building Commission shall be provided to screen as much of the support structure and equipment shelter ground level features as is possible. In addition, existing vegetation on or around the site shall be preserved to the greatest extent possible. No exposed dirt shall be permitted.

(h) *Limiting the number of cellular or wireless communications towers.* In order to reduce the number of antenna support structures needed in the Municipality in the future, the owner of an existing cellular or wireless communications tower shall not unreasonably deny a request to accommodate other uses, including other cellular or wireless communications companies, and the antenna of local police, fire, and ambulance departments. The owner of the existing cellular or wireless communications tower may request reasonable compensation for the use of the tower.

For the purposes of encouraging co-location of cellular or wireless antenna and other uses, cellular or wireless communication towers shall be designed, engineered, and constructed as follows: unless waived for good cause to minimize impact on adjoining property by Building Commissioner. There shall be no towers 30 feet or more unless there are two or more users.

(1) Towers less than 75 feet tall shall be designed, engineered and constructed to support antennas installed by two or more cellular or wireless communication service users; and

(2) Towers more than 75 feet in height but less than 150 feet shall be designed, engineered and constructed to support antennas installed by three or

more cellular or wireless communication service users; and

(3) Towers 150 feet in height or taller shall be designed, engineered and constructed to support antennas installed by four or more cellular or wireless communication service users.

As used in paragraphs (1), (2) and (3) above, the term "users" shall include the antennas of police, fire, and ambulance departments. In addition, an applicant must demonstrate that the area acquired by lease or otherwise acquired for the use and construction of the cellular tower and accessory structures is sufficient in size to accommodate any additional structures that may be required if additional users are added to the tower.

(i) *Licensing.* The communications company must demonstrate to the Municipality that it is licensed by the Federal Communications Commission (FCC). The owner of the tower must also annually provide to the Municipality prior to January 31 of each year, a list of all users of the tower and each user shall provide the Municipality with a copy of each users license with the FCC. No permits will be granted to any applicant unless proof of current FCC license for the proposed use of the tower is provided.

(j) *Required parking.* If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall be equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in the Zoning Code.

(k) *Appearance.* Cellular or wireless communications towers under 185 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially

lighted except when required by the FAA. Furthermore, no cellular or wireless communication tower or antenna and accessory buildings and structures shall contain any signage. All utility lines serving the towers shall be underground.

(1) *Site plan required.* A full site plan shall be required for all proposed cellular or wireless communications sites, except antenna to be placed on existing structures, at a reasonable scale, but not smaller than 1 inch to 50 feet (1"=50'), indicating, as a minimum, the following:

- (1) The total area of the site.
- (2) The existing zoning of the property in question and of all adjacent properties.
- (3) All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
- (4) Existing topography with a maximum of two-foot contours intervals.
- (5) The proposed finished grade of the development shown by contours not exceeding two-foot intervals.
- (6) The locations of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, height, and where applicable, the gross floor area of the buildings.
- (7) The locations and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
- (8) All existing and proposed sidewalks and open areas on the site.

(9) The location of all proposed fences, screening and walls.

(10) The location of all existing and proposed streets.

(11) All existing and proposed utilities including types and grades.

(12) The schedule of any phasing of the project.

(13) Documentation which shows all buildings and structures on adjacent lots and any additional lot which has a lot line within 100 feet of the lot on which the cellular tower is proposed to be located. The approximate elevation of the highest point of each building or structure shall be noted. Applicant may identify any additional features in the area (such as existing screening, fences and topography) which may be helpful in considering the impact of the proposed tower on nearby property.

(14) Any other information as may be required to determine the conformance with this Zoning Code. For cellular or wireless communications antenna to be placed on an existing structure, the applicant shall submit such information as required by the Zoning Inspector to ensure compliance with the applicable provisions of this section.

(15) Applicant shall maintain and demonstrate adequate liability insurance on the structure and shall hold harmless the Municipality of Woodlawn from any and all liability that may arise for the use of the structure.  
(Ord. 17-2013, passed 9-24-2013)

#### § 1297.06 MAINTENANCE.

Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any owner of a cellular or wireless communications tower shall be required to notify the Building



## Woodlawn - General Offenses Code

§ 1297.06

Commissioner of its intent in writing within 30 days of its cessation of business, its discontinuance of service, or transfer of ownership.  
(Ord. 17-2013, passed 9-24-2013)

## § 1297.07 REMOVAL.

Any owner of property used as a cellular or wireless communications site shall provide the Municipality of Woodlawn with a performance bond for the removal of a cellular or wireless communications tower that has discontinued use.

Any cellular or wireless communications tower that has discontinued its service for a period of 12 continuous months or more is hereby determined to be a nuisance. A tower declared to be a nuisance must be removed, along with all accessory structures related thereto. "Discontinued" shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, is unused or has ceased the daily activities or operations which had occurred.

Whenever, upon inspection it shall appear that a cellular or wireless communications tower has been abandoned or its use discontinued, the Municipal Manager or a designated representative shall notify, either by personal delivery or by certified mail, the owner of the property on which the tower is located that the tower must be taken down and removed within 90 days. The Building Commissioner or a designated representative, in addition to any other citations, notices, penalties or remedies provided by law or ordinance, is authorized to proceed in a manner consistent with and pursuant to Ohio R.C. 715.26 and 715.261 to maintain the public health, safety and welfare and to recover costs as appropriate.  
(Ord. 17-2013, passed 9-24-2013)

## § 1297.08 MISCELLANEOUS.

(a) No cellular or wireless communications tower shall be permitted on any lot on which any nonconforming building or structure is located nor on which any nonconforming use or activity is occurring without first obtaining a variance from the Zoning Board of Appeals.

(b) No cellular or wireless communications tower shall be constructed, replaced, or altered without first obtaining the applicable building permit.  
(Ord. 17-2013, passed 9-24-2013)

## CHAPTER 1298: NONCONFORMITIES

### Section

- 1298.01 Existing nonconforming uses, lots and structures.
- 1298.02 Discontinuance of nonconforming buildings, structures and uses.
- 1298.03 Enlargement or extension and alteration of nonconforming buildings, structures and uses.

- 1298.04 Nonconforming uses and related equipment.
- 1298.05 Restoration of damaged or destroyed buildings and structures.
- 1298.06 Continuation of violations not sanctioned.

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### § 1298.01 EXISTING NONCONFORMING USES, LOTS AND STRUCTURES.

(a) The lawful use of a dwelling, building or structure, a parcel or lot, or the use of any land or premises as lawfully existing on the effective date of this Zoning Code may be continued, although such dwelling, building, structure, parcel or lot, or use does not conform to this Zoning Code.

(b) If no structural alterations are made to an existing nonconforming structure or building, a nonconforming use of a building or premises may be changed to another nonconforming use of a more restricted classification, subject to approval by the Board of Zoning Appeals.

(c) Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use, including the former use, or another nonconforming use.

(d) Whenever the use of a building or premises becomes nonconforming through a change in this Zoning Code or district boundaries, such use may be continued unless it is specifically restricted by another section of this Zoning Code enacted for the health, safety and welfare of the Municipality. If no structural

alterations are made, it may be changed to another nonconforming use of a more restricted classification, subject to approval by the Board of Zoning Appeals. (Ord. 17-2013, passed 9-24-2013)

### § 1298.02 DISCONTINUANCE OF NONCONFORMING BUILDINGS, STRUCTURES AND USES.

If a nonconforming use of a building, structure or use of a premises is discontinued for one year, the use of such building or premises shall thereafter conform to a use permitted in the district in which it is located. (Ord. 17-2013, passed 9-24-2013)

### § 1298.03 ENLARGEMENT OR EXTENSION AND ALTERATION OF NONCONFORMING BUILDINGS, STRUCTURES AND USES.

No existing building, structure or premises devoted to a use not permitted by this Zoning Code in the district in which such building or premises is located, shall be enlarged or extended, unless such use is changed to a use permitted in the district in which such building or premises is located.

The moving, reconstruction, extension, enlargement, or alteration of nonconforming buildings or structures shall be as follows:

(a) *Alterations.* Alterations within the building footprint are permitted if the alteration conforms to off-street parking, loading, landscaping and maneuvering standards of this Zoning Code.

For the purposes of this chapter, "alteration" shall mean any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

(b) *Enlargement.* The enlargement of nonconforming structures is permissible in the front, side and rear yards if:

(1) Such enlargement does not encroach into a required yard setback and if such enlargement

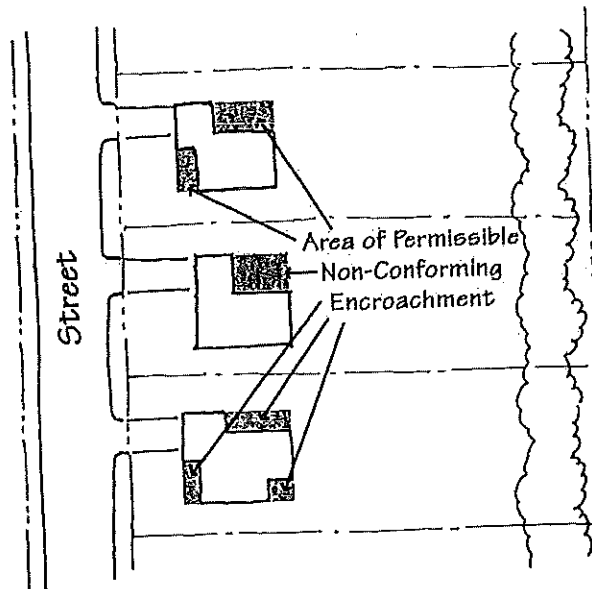
does not further encroach closer to a lot line than the existing nonconforming structure.

(2) The enlargement of the structure shall not exceed the height of the existing structure and shall conform to off-street parking, loading, landscaping and maneuvering standards of this Zoning Code.

(3) No enlargement shall cause additional nonconformities with respect to other lot development standards in the district the lot is located.

(4) The total of all enlargements of a nonconforming structure or building shall not exceed 100 percent of the gross floor area of the nonconforming structure prior to enlargement.

(5) If the enlargement of a nonconforming structure is proposed to encroach into a required yard, a variance is required by the Board of Zoning Appeals.



(6) Any expansion of a nonconforming use shall be within a fully enclosed building or structure. (Ord. 17-2013, passed 9-24-2013)

**§ 1298.04 NONCONFORMING USES AND RELATED EQUIPMENT.**

(a) Any equipment, motor vehicle or machinery that is considered by the Municipality to be part of the nonconforming use, building or structure may not be increased in number, size or type unless a variance is requested and approved through the Board of Zoning Appeals.

(b) Replacement equipment, in equal number, size and type, shall be permitted if the equipment, motor vehicle or machinery being replaced has been moved permanently off site upon delivery of the replacement equipment. Replacement shall not require a variance process. (Ord. 17-2013, passed 9-24-2013)

**§ 1298.05 RESTORATION OF DAMAGED OR DESTROYED BUILDINGS AND STRUCTURES.**

A nonconforming building that is partially destroyed or damaged (exclusive of the foundation), to an extent of less than 33 percent of its reproduction value at the time of the damage, by fire, flood, earthquake, explosion, war, riot, act of God or act of the public enemy, may be restored, and the use of the building may be resumed in accordance with this chapter, provided that the restoration and resumption shall take place within one year of the time of such damage or destruction.

In the event that any nonconforming building or structure is voluntarily destroyed or dismantled, to the extent of more than 33 percent of the fair market value of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Zoning Code. (Ord. 17-2013, passed 9-24-2013)

**§ 1298.06 CONTINUATION OF VIOLATIONS NOT SANCTIONED.**

Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a building, structure or use of premises in violation of zoning regulations in effect on the effective date of this Zoning Code. (Ord. 17-2013, passed 9-24-2013)

**Woodlawn - General Offenses Code**

## CHAPTER 1299: VIOLATIONS, REMEDIES AND FEES

### Section

1299.01 Violation.

1299.02 Notice of violation.

1299.03 Remedies.

1299.04 Fees.

### § 1299.01 VIOLATION.

Any building that is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land that is or is proposed to be used in violation of this Code or any amendment or supplement thereto, the Municipal Council, the Municipal Solicitor, Zoning Officer, or any adjacent or neighboring property owner who would be specifically damaged by such violation may, initiate appropriate action to prevent such activity from proceeding in violation to this Code.

(Ord. 17-2013, passed 9-24-2013)

### § 1299.02 NOTICE OF VIOLATION.

The notice of any violation of the Zoning Code shall be as follows:

(a) Whenever the Zoning Officer determines that there is a violation of any provision of this Zoning Code, a notice of such violation shall be issued. Such notice shall:

- (1) Be in writing;
- (2) Identify the violation;
- (3) Include a statement of the reason or reasons why the violation order is being issued and refer to the section of this Zoning Code being violated;
- (4) State the time by which the violation shall be corrected; and

(5) Contain a statement of right of appeal or to request variance, if applicable.

(b) Service of notice of the violation shall be as follows:

(1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of 16 years or older; or

(2) By Certified Mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the First Class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; or

(3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

(Ord. 17-2013, passed 9-24-2013)

### § 1299.03 REMEDIES.

The following remedies shall apply to violations of the Zoning Code:

(a) *Prohibitions.*

(1) No person shall fail or refuse to comply with an order issued by the Zoning Inspector. A separate offense shall be deemed committed each day

## Woodlawn - General Offenses Code

## § 1299.03

upon which a violation occurs or continues from the date the order was issued.

(2) No person shall construct, modify, alter, use or occupy any structure or property in violation of the Zoning Code. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

(b) *Penalties.*

(1) Whosoever violates this section is guilty of a minor misdemeanor of the first degree for each offense.

(2) If within one year of the date of the offense the offender has been convicted, of or pleads guilty, to another violation of this section, the offender is guilty of a misdemeanor of the third degree.

(c) *Civil remedies.* The Municipality, the Municipal Council on behalf of the Municipality or any officer designated by the Municipal Council on behalf of the Municipality may, in addition to the criminal remedies provided in this Zoning Code, file suit for injunction against any violation of this Zoning Code, or if the violation has caused damages to the Municipality for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of violations of this Zoning Code may file suit for injunction or damages to the fullest extent provided by the law.  
(Ord. 17-2013, passed 9-24-2013)

## § 1299.04 FEES.

The fees for all applicant costs incurred in this chapter shall be established by Municipal Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this chapter, unless and

until a filing fee is paid to the Municipality. A schedule of fees, as adopted by the Municipal Council, shall be posted in the administrative offices of the Village.

The applicant shall be responsible for the expenses incurred by the Municipality in reviewing the plan or any modifications to the plan. If fees are in addition to filing fees, such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, prepared reports, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.

At the time of submitting a site plan to the Planning Commission for consideration, the applicant shall make a deposit in the office of the Municipal Clerk in the amount equal to the estimated cost of the Municipality's expenses.  
(Ord. 17-2013, passed 9-24-2013)