

Section 155: Zoning Code of Mt. Healthy

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Chapter 155.000 Title, Purpose and Scope

155.001 Title

This code and all its provisions, codified as *Chapter 155* of the Mt. Healthy Code of Ordinances, the Planning and Zoning Code, shall be known and may be cited as "The Zoning Code of the City of Mt. Healthy, Ohio;" or by its shorter titles, of "The Mt. Healthy Zoning Code" or "Zoning Code."

155.002 Purpose

This code shall have the purposes prescribed in Ohio Revised Codes *Chapter 713* and is enacted for the following additional purposes:

- (a) To promote the public health, safety, convenience, comfort, prosperity and general welfare;
- (b) to conserve and protect property and owner investment;
- (c) to promote the most appropriate use of land;
- (d) to guide the density of population;
- (e) to manage and support efficient travel modes;
- (f) to provide a method of administration and to prescribe penalties for violations of provisions of this code; and
- (g) to support the City Comprehensive Plan and its key initiatives.

155.003 Scope

The provisions of this code shall apply to all lands within the municipal boundaries of the City of Mt. Healthy, including all lands annexed to the City after the effective date of this code.

155.004 Effect of Other Regulations

The regulations of this code shall be in addition to any other regulations in effect in the City. All building, subdividing, and uses within any district shall satisfy all building, planning, platting, zoning, and any other related regulations.

155.005 Relationship to Other Codes, Ordinances or Agreements

This code does not repeal or annul any code, ordinance, regulation, permit, easement, covenant, or private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this code. Where the regulations of this code are more restrictive or impose higher standards than other codes, ordinances, regulations, permits, easements, covenants, or private agreements, the requirements of this code shall govern.

155.006 Interpretation

The provisions of this code shall be interpreted and applied so as to be the minimum requirements necessary to promote the public health, safety, security and general welfare of

the City.

155.007 Rules Applying to the Text

(a) The words, terms and phrases used in this code shall have the meanings assigned to them in *Chapter 155.20*, except where the context clearly indicates a different meaning.

(b) Rules of Construction: The following rules of construction apply to this code:

(1) The particular shall control the general and the use of a general term shall not be taken to have the same meaning as another specific term. For example, a "dry cleaning retail establishment" shall not be interpreted to be the same as a "retail business supplying commodities on the premises," if each term is listed as a separate and distinct use.

(2) In case of any difference of meaning or implication between the text of this code and any caption or illustration, the text shall control.

(3) A building or structure includes any and all of its parts.

(4) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

(5) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(6) The word "person" includes any individual, corporation, partnership, incorporated association, limited liability company or any other similar entity.

(7) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

A. "And" indicates that all of the connected items, conditions, provisions or events apply.

B. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

C. "Either . . . or" indicates that the connected items, conditions, provisions or events apply singly but not in combination.

(c) Terms not defined in this code shall have the meaning customarily assigned to them.

155.008 Severability

If a provision of this zoning code is found to be invalid by any court of competent jurisdiction, that invalidation shall not affect any other provision of this code unless the other provision is also found to be invalid.

Chapter 155.010: Establishment of Zones and Zoning Map

155.011 Districts Established

The City of Mt. Healthy is divided into 14 zoning districts as listed in *Table 155.01*.

Table 155.01 Zoning District		
Symbol	District Name	Regulated In
Residential Districts		
A	Rural Residential District	<i>Chapter 155.02</i>
B	Low Density Residential	<i>Chapter 155.02</i>
C	Moderate Density Residential	<i>Chapter 155.02</i>
D	High Density Residential	<i>Chapter 155.02</i>
Business Districts		
E	General Business District	<i>Chapter 155.03</i>
CBD	Central Business District	<i>Chapter 155.03</i>
Industrial Districts		
F	Light Industrial District	<i>Chapter 155.04</i>
G	Industrial District	<i>Chapter 155.04</i>
Recreational Districts		
H	Parks, Playgrounds and Recreational District	<i>Chapter 155.05</i>

155.012 Official Zoning Map

- (a) The boundaries of the zoning districts are established as shown on the map entitled, "City of Mt. Healthy Official Zoning District Map" which accompanies and is made a part of this code.
- (b) The Official Zoning District Map shall be maintained and kept on file by the Zoning Administrator.
- (c) The City Council may, at its discretion or upon formal application, amend the zoning map, in accordance with the amendment procedures of *Chapter 155.19*

155.013 District Boundaries Interpreted

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the zoning map, the following rules shall apply:

- (a) When the exact boundaries of a district are uncertain, they shall be determined by use of the scale on the zoning map.
- (b) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow those centerlines.
- (c) Boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines.
- (d) Boundaries indicated as following shorelines shall be construed to follow the shoreline. In

the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed to follow the centerline. Any use of structures extending into or over a water body shall be subject to the same zoning restrictions as the adjoining land.

- (e) When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.
- (f) If the rules above are not sufficient to resolve the issue, the Planning Commission shall make the determination by resolution.

155.014 Annexed Land

Where land is annexed into the City, it shall be zoned in accordance with the map amendment procedure outlined in *Chapter 155.19*.

155.015 Lots Divided by Zoning Line

Where a zoning district boundary line divides a lot, the entire lot shall be considered to be wholly within the more restrictive zoning district.

155.016 Uses Not Listed

- (a) A use that is not listed, either by right or by conditional approval, in a zoning district shall not be permitted in that district and shall only be permitted in a district where it is specifically listed as either a use by right or by conditional approval.
- (b) If a proposed use of land or building is not specified by this code in any district, the City Manager or designee shall determine if the use is similar to a permitted or conditional land use authorized in the district in which the land or building is located. If the use is found to be similar, it may be established in accordance with the requirements and procedures established in the code for the similar use. The City Manager or designee shall notify the Planning Commission of this action, who shall then determine if the code should be amended to specifically include the use.
- (c) Alternatively, the City Manager or designee may refer the determination to the Planning Commission in the first instance.
- (d) The determination by the City Manager or designee, or the Planning Commission, may be appealed to the Board of Zoning Appeals; provided, the appeal may only be taken by the affected property owner or the owner's agent

Chapter 155.02 Residential Districts

155.021 Purpose

- (a) **"A," Rural Residential District.** The A District is intended to accommodate single family residential subdivision and in-fill development at densities of up to approximately two units per acre, along with related uses. Land within this district will be served by public sanitary sewer and water facilities.
- (b) **"B," Low Density Residential District.** The B District is intended to accommodate single family residential subdivision and in-fill development at densities of up to approximately four units per acre, along with related uses. Land within this district will be served by public sanitary sewer and water facilities.
- (c) **"C," Moderate Density Residential District.** The C District is intended to encompass much of the City's existing single family and medium density residential neighborhoods and accommodate similarly situated new and in-fill development at densities up to seven units per acre. This district also permits the introduction of attached residential units and non-residential uses that are compatible and in scale with the established neighborhood character. Land within this district will be served by public sanitary sewer and water facilities.
- (d) **"D," High Density Residential District.** The D District is intended to promote a high-quality mix of residential units, including multiple family dwellings, at a density of up to nine units per acre. Other compatible, non-residential uses may also be permitted. Land within this district will be served by public sanitary sewer and water facilities.

155.022 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of *Table 155.022* may be used for the purposes denoted by the following abbreviations:

- (a) **Permitted Use (P).** Land and/or buildings in this district may be used by right.
- (b) **Accessory Use (A).** Uses that are permitted as part of the principal use of the land and/or building within the specific zoning district.
- (c) **Conditional Use (C).** Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of *Chapter 155.10* are met.
- (d) **Specific Conditions.** Indicates requirements or conditions, as listed in *Chapter 155.10*, are applicable to specific uses.
- (e) Uses marked with an (-) are **not permitted** within the specific zoning district.

- (f) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in *Table 155.023a*.

Table 155.022					
Use	A	B	C	D	Specific Condition
Accessory Uses					
Employee Quarters	A	A	A	A	
Private Garage	A	A	A	A	
Private stable	A	A	A	A	
Home Occupation	A	A	A	A	<i>Section 155.108(e)4</i>
Domestic Pets	A	A	A	A	
Roadside Agriculture stand	A	A	A	A	L1
Temporary building related to construction	A	A	A	A	
Garage Sales	A	A	A	A	<i>Section 155.091(d)</i>
Small Animal Agriculture	A	A	A	A	L2
Storage Garages	A	A	A	A	
Residential					
Single Family	P	P	P	P	Excludes Manufactured Housing
Two-family Dwellings	-	C	P	P	
Townhomes	C	C	C	C	
Condominiums	C	C	C	C	
Modular homes	-	-	-	-	
Multiple Dwellings	-	-	-	P	
Group Day Care	C	C	C	C	
Family Day Care	C	C	C	C	
Group Care Homes Category I	C	C	C	C	
Mobile Homes	-	-	-	-	
Boarding and lodging houses	-	-	-	P	
Fraternities, dorms, private clubs	-	-	-	C	Except those where the chief activity is a service customarily carried on as a business
Child Day Care	-	-	-	C	<i>Section 155.108(e(10))</i>
Short Term Rental	C	C	C	C	<i>Storage rental not permitted</i>
Non-Residential					
Agriculture	P	P	P	P	
Offices	-	-	-	C	<i>Section 155.108(d(6))</i>
Parking Lot	-	-	-	C	<i>Section 155.108(h(6))</i>
Business	-	-	-	-	Except Home Occupations
Hospitals	P	P	P	P	L3

Clinics	-	-	-	P	
Public/Quasi-Public					
Churches	C	C	C	C	
Schools	P	P	P	P	
Publicly Owned Facilities	P	P	P	P	
Cemeteries	C	C	C	C	L4
Recreation					
Forests	P	P	P	P	
Golf Course	P	P	P	P	L5
City Rec Buildings	P	P	P	P	
Other					
Wireless communication facilities	-	-	-	-	
Historic Properties	-	-	-	-	
Uses similar to other uses permitted in this zoning district and consistent with the purpose of the district, as determined in accordance with Section 155.10	C	C	C	C	<i>Section 155.10</i>

L1: Only agricultural products produced on site for sale. One sign advertising these products not exceeding 12 square feet in area per side, maximum of two sides, which stands and signs shall be removed during any season for the period when not in use.

L2: For agricultural use, provided, however, that buildings housing animals be at least 15 feet from adjacent property lines and that the lot or tract of land have an area of not less than one acre.

L3: 100 beds or more, and institutions of an educational, religious, charitable or philanthropic nature, provided, however, that such buildings shall not be located upon sites containing an area of less than five acres, may occupy not over 10% of the total area of the lot, that the buildings shall be setback from all required yard lines a distance of not less than two feet for each foot of building height.

L4: Mausoleums shall be distant at least 200 feet from every street line and the adjoining lots in residence districts, and provided further that any new cemetery shall contain an area of 20 acres or more.

L5: Except miniature courses and practice driving tees operated for commercial purposes; including such buildings, structures and uses as are necessary for their operation, except those the chief activity of which is a service customarily carried on as a business.

155.023 Spatial Requirements

(a) All lots and buildings shall meet the minimum area and width requirements of Table 155.023. New lots shall not be created, except in conformance with these requirements.

Table 155.023 Lot and Width Requirements: Residential Districts

Zoning District	Minimum Lot Area (sq ft.)	Minimum Lot Width (ft.)
A	20,000	80
B	10,000	60
C	6,000	50
D	4,000 ¹	50

¹ For Single-Family Dwellings the minimum lot area is 5,000 sq. ft.

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 155.023a

Table 155.023a

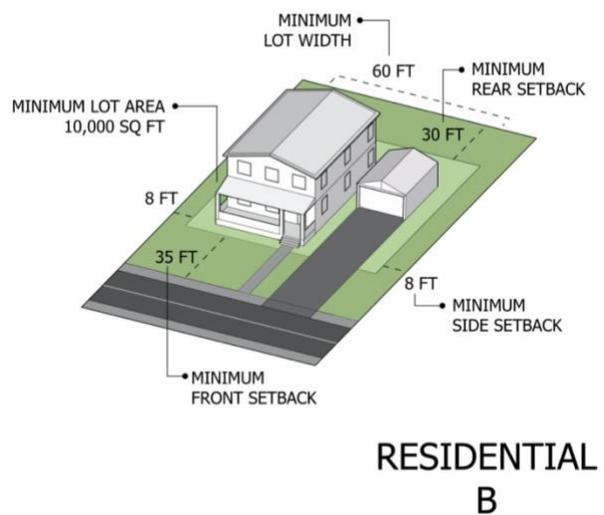
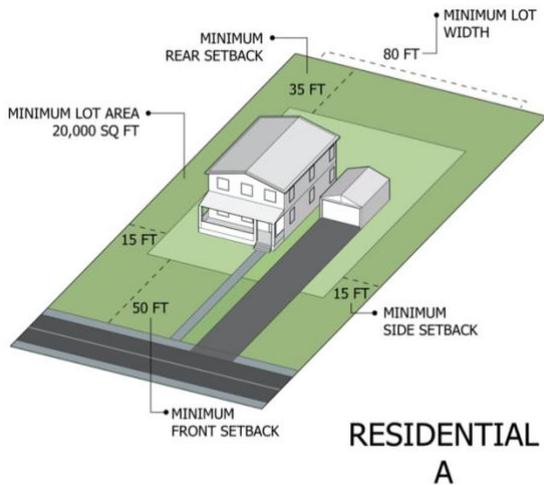
Zoning District	Maximum Building Height (ft./stories)	Minimum Yard Setback (ft)			Unit Density ¹ in Dwelling Units (DU)/ sq ft.
		Front	Side	Rear	
A	2.5 stories, 35 ft	50	15	35	1 DU/ 20,000
B	2.5 stories, 35 ft	35	8	30	1 DU/ 10,000
C	2.5 stories, 35 ft	30	5	30	1 DU/ 6,000
D	3 stories, 45 ft	30	5 ²	30 ³	1 DU/ 4,000 ⁴

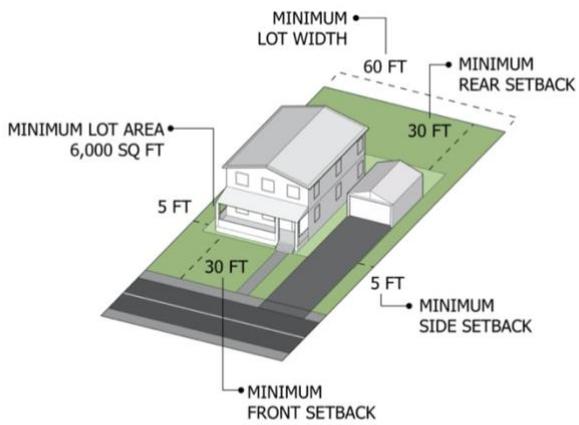
¹ Residential Dwelling Units shall be a minimum of 900 square feet.

² Not less than 10 feet for buildings that exceed 2.5 stories.

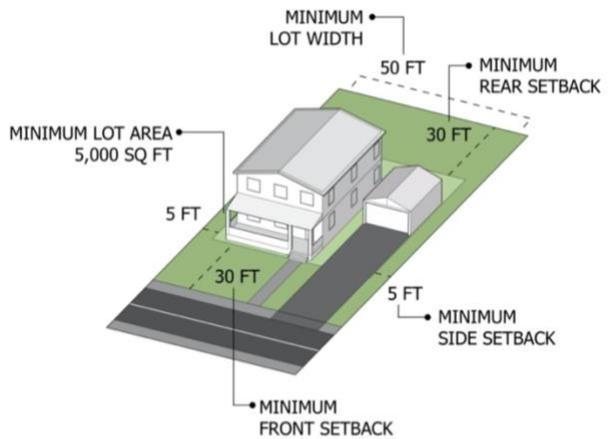
³ Not less than 40 feet in depth for buildings that exceed 2.5 stories.

⁴ Single Family Dwellings shall adhere to 1 DU per 5,000 Square Feet.





RESIDENTIAL
C



RESIDENTIAL
D

155.024 Site Development Regulations

In addition to the requirements of this article, all development in the Residential Districts shall meet the applicable requirements as listed elsewhere in this code:

- (a) General Provisions, see *Chapter 155.09*
- (b) Conditional Use Requirements, see *Chapter 155.10*
- (c) Parking and Loading, see *Chapter 155.11*
- (d) Signs, see *Chapter 155.12*
- (e) Site Plan Review Requirements, see *Chapter 155.13*
- (f) Buffering and Screening Requirements, see *Chapter 155.14*

Chapter 155.03 Business Districts

155.031 Purpose

- (a) **"CBD," Central Business District.** The CBD Zoning District serves as the focal point for the social and commercial activities of the City. The integration of business, institutional, public, quasi-public, cultural, residential and other related uses is permitted and encouraged. Uses in this district, for the most part, are intended to promote pedestrian movement and social interaction and should be of a scale and character that is consistent with the small town ambiance of the City of Mt. Healthy.
- (b) **"E," General Business District.** The E District accommodates general retail and/or auto-dependent businesses. Uses within this district typically require high visibility, major arterial frontage, good access and ample parking. While these uses are provided for, the E District is intended to be limited to a confined area so as to prevent the creation of a commercial strip and a proliferation of uses that would detract from the central business hub of the community. E-1 Districts shall be regulated as E Districts for the purposes of this code.

(c) **“OB,” Office Business District.** The OB District accommodates commercial offices and other uses that may serve a greater concentration of office uses than other commercial zoning districts in the city. Uses within this district require high visibility, major arterial or collector frontage, good access and ample parking. They may contain commercial offices designed to function as a campus for technology, medical, call centers or other larger scale corporate office configurations.

155.032 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of *Table 155.032* may be used for the purposes denoted by the following abbreviations:

- (a) **Permitted Use (P).** Land and/or buildings in this district may be used by right.
- (b) **Accessory Use (A).** Uses that are permitted as part of the principal use of the land and/or building within the specific zoning district.
- (c) **Conditional Use (C).** Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of *Chapter 155.10* are met.
- (d) **Specific Conditions.** Indicates requirements or conditions, as listed in *Chapter 155.10*, are applicable to specific uses.
- (e) Uses marked with an (-) are **not permitted** within the specific zoning district.

Table 155.032				
Use	E	OB	CBD	Specific Condition
Accessory Uses				
Employee Quarters	A	A	A	
Private Garage	A	A	A	
Private stable	A	A	A	
Home Occupation	A	A	A	<i>Section 155.108(e)4</i>
Domestic Pets	A	A	A	
Roadside Agriculture stand	A	A	A	Table 155.02 L1
Temporary building related to construction	A	A	A	
Garage Sales	A	A	A	<i>Section 155.091(d)</i>
Small Animal Agriculture	A	A	A	Table 155.02 L2
Storage Garages	A	A	A	
Food, Drink, Entertainment and Hospitality				
Taverns	-	-	C	

Night Clubs	-	-	-	
Outdoor Dining	A	A	C	
Restaurants, excluding drive-in or drive thru facilities	P	P	P	
Drive-Thru or Drive-In	C	C	-	See Section 155.10
Mobile Vending (food trucks)	C	C	-	
Boarding and lodging houses	P	-	P	
Brew Pub, Night Club, Bar, Brewery	-	-	C	
Bar	E	E	-	
Brewery	E	E	-	
Theater	P	P	P	
Bowling Alley	P	P	P	
Bakery	P	P	P	Must have retail component
Bed and Breakfast	C	C	C	
Hotel	C	-	C	
Short Term Rental	-	-	-	
Health Care and Social Assistance				
Hospitals	P	-	P	Table 155.02 L3
Group Care Homes Category I	P	-	-	5 or less
Group Care Cat 1 6-15	C	-	-	
Group Care Cat 2 5 or less	C	-	-	
Nursing homes and similar	P	-	P	
General medical, hospital, health centers	-	P	-	
Hospitals and clinics unless animal oriented	P	-	P	
Animal Hospital	-	-	-	
Office, Financial and Commercial Services				
Offices	-	P	P	Only sale of samples is permitted.
Banks	P	P	P	Must be FDIC
Financial Institutions	P	P	-	
Personal Service				
Family Day Care	P	-	-	
Group Day Care	C	-	-	
Salon/Barber Shop	P	P	-	
Public/Quasi-Public				
Churches	C	-	C	
Schools	P	-	P	
Public property	P	-	P	
Forests	P	-	P	
Cemeteries	P	-	-	Table 155.02 L4
Educational Institutions and private schools	P	-	P	
Golf Courses	P	-	P	Table 155.02 L5
City Rec Buildings	P	-	P	
Residential				

Single Family (not factory built)	P	-	P	
Multiple Dwellings	P	-	P	
Mobile Homes	-	-	-	
Two-family Dwellings	P	-	P	
Dwellings located on second floor or above 1st floor commercial	-	-	P	
Fraternities, dorms, private clubs	P	-	-	Except those where the chief activity is a service customarily carried on as a business
Retail				
Retail, wholesale, service	P	-	P ¹	Wholesale storage or warehousing shall not exceed 1,000 cubic feet.
Sale of used goods	C	-	-	
Antique shops	P	-	-	
Thrift Shop	P	-	-	
Vehicle Sales, Services and Related uses				
Automotive Repair (minor)	C	-	-	
Automotive Repair (major)	-	-	-	
Automotive Services	P	-	-	
Car Wash	P	-	-	
Other				
Wireless communication facilities	-	-	-	
Agriculture	P	-	P	
Uses similar to other uses permitted in this zoning district and consistent with the purpose of the district, as determined in accordance with <i>Section 155.10</i>	C	C	C	<i>Section 155.10</i>

¹: Outdoor display of items for retail are permitted as follows: The display of items which are sold at retail within a retail establishment may take place on the sidewalk outside the business as long as the items displayed are sold at retail within the business, the display occurs only within the area encompassing the width of the building, the items are removed outside business hours, and the display utilizes an area that still allows a minimum of six feet unimpeded width for pedestrian traffic.

1250.03 Spatial Requirements

(a) All lots and buildings shall meet the minimum area and width requirements of *Table 155.033*. New lots shall not be created, except in conformance with these requirements

Table 155.033 Lot and Width Requirements: Commercial Districts		
Zoning District	Minimum Lot Area (sq ft.)	Minimum Lot Width (ft.)
E	6,000	50
OB	6,000	
CDB	50% of lot	

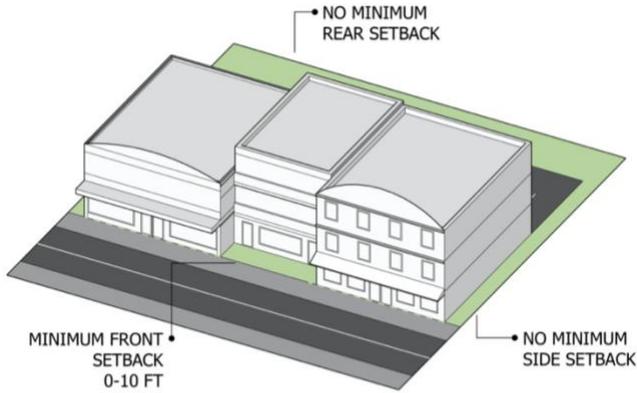
(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in *Table 155.033a*.

Table 155.033a					
Zoning District	Maximum Building Height (ft./stories)	Minimum Yard Setback (ft)			Unit Density in Dwelling Units (DU)/ sq ft.
		Front	Side	Rear	
E	3 stories, 45 ft	30	0 ¹	0 ²	Determined by Planning Commission
OB	3 stories, 45 ft	0			25% of tract
CBD	4 stories, 45 ft	0-10 ³			50%

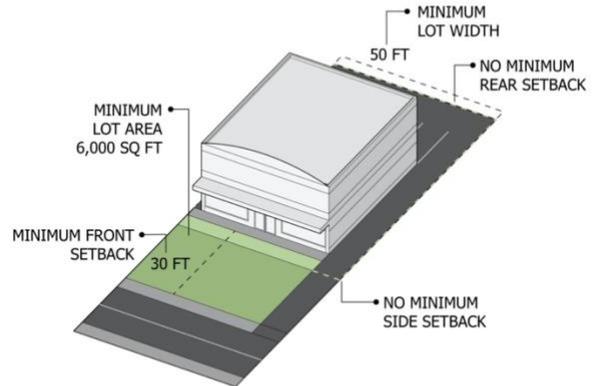
¹ If adjacent to Residential zone then the setback is 5 feet.

² If adjacent to zones B, C or D then the setback is 15 ft.

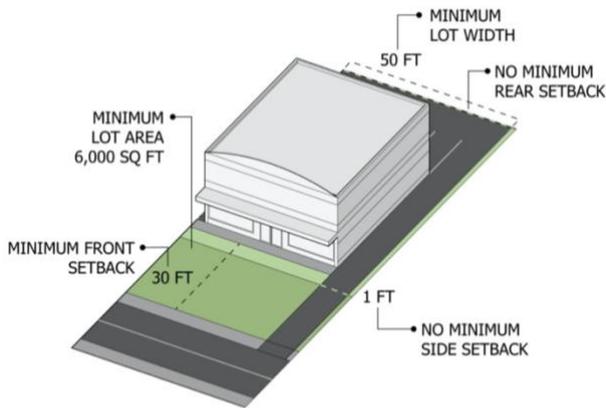
³ If adjacent to Residential zone then the setback is 5 feet. Side yards on corner lots shall be consistent with minimum and maximum front yard setbacks. Parking setback for side yard on corner lot (side street) as allowed in the rear yard shall have a setback of five feet from street right-of-way and at least 50% of the setback area shall be landscaped unless otherwise approved by Planning Commission.



**COMMERCIAL
CBD**



**COMMERCIAL
E
And E-1**



**COMMERCIAL
OB**

155.034 Site Development Regulations

In addition to the requirements of this chapter, all development in the business districts shall meet the applicable requirements as listed elsewhere in this code:

- (a) General Provisions, see *Chapter 155.09*
- (b) Conditional Use Requirements, see *Chapter 155.10*
- (c) Parking and Loading, see *Chapter 155.11*
- (d) Signs, see *Chapter 155.12*
- (e) Site Plan Review Requirements, see *Chapter 155.13*
- (f) Buffering and Screening Requirements, see *Chapter 155.14*

Chapter 155.04 Industrial Districts

155.041 Purpose

- (a) **"F," Light Industrial District.** The F District is intended to provide dedicated locations within the community for office, research, knowledge-based industry, services, light manufacturing and related uses that offer employment opportunities and create economic vitality for the City and its residents.
- (b) **"G," Industrial District.** The G District establishes a location for industrial and heavy commercial uses that provide significant employment opportunities within the City. Uses in this district tend to be more intensive than those in the G District and due to the potential for large truck traffic, late hours of operation and other potentially deleterious effects on the surroundings and the community may require conditional use review.

155.042 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the F and G districts may be used for the purposes denoted by the following abbreviations in *Table 155.042*:

- (a) **Permitted Use (P).** Land and/or buildings in this district may be used by right.
- (b) **Conditional Use (C).** Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of *Chapter 155.10* are met.
- (c) **Specific Conditions.** Indicates requirements or conditions, as listed in *Chapter 155.10*, are applicable to specific uses.
- (d) Uses marked with an **(-)** are **not permitted** within the specific zoning district.

Table 155.042			
Use	F	G	Specific Condition
Accessory Uses			
Employee Quarters/Caretaker residence	A	A	
Private Garage	A	A	
Private stable	A	A	
Home Occupation	A	A	Section 155.108(e)4
Domestic Pets	A	A	
Roadside Agriculture stand	A	A	Table 155.02 L1
Temporary building related to construction	A	A	
Small Animal Agriculture	A	A	Table 155.02 L2
Cafeteria facilities located within a principal use	P	P	
Child care facilities located within a principal use	C	C	
Corporate offices incidental to the principal use	P	P	

Outdoor patio in conjunction with a permitted restaurant	C	C	
Outdoor storage related to a principal use	C	C	
Retail incidental to the manufacture or production of goods on the premises, not exceeding 30 percent of the total floor area of the principal building	C	C	
Vehicle wash facilities for trucks and trailers	P	P	
Agriculture, Food and Animal-related Uses			
Bakeries with more than 15 employees on premise	P	P	
Abattoirs and slaughterhouses, except for poultry incidental to a retail store.	-	C	Section 155.108(b(2))
Bottling works, brewing or distilling of Liquors	P	P	
Milk distributing stations (outside of on-site retail)	P	P	
Livery and stables or riding academies	P	P	
Farm, including raising animals	-	P	
Agribusiness	-	P	
Farmers market	-	P	
Food processing plants	-	P	
Greenhouse/nursery (not including retail sale)	C	P	
Kennels	C	P	
Produce and other food product terminals	C	P	
Commercial Establishments			
Lumber yards or planing mills	P	P	
Laundries, with more than 15 people	P	P	
Metal working or welding shops	P	P	
Stone or monument works with more than 5 employees on premise	P	P	
Storage, bailing, or treatment of junk...	-	-	
Storage warehouses	P	P	
Blacksmith or horse-shoeing shop	P	P	
Sale of used goods	P	P	
Business machine sales & service	P	P	
Cleaning services	P	P	
Electric, plumbing supplies sales & service (not including showroom)	P	P	
Glass sales & service	P	P	
HVAC sales & service	P	P	
Locksmith shops	P	P	
Machinery and equipment sales & service	P	P	
Mail order businesses and fulfillment centers	P	P	
Pest control services	P	P	
Petroleum product sales	P	P	
Printing, photocopying and publishing facilities	P	P	

Repair shops (non-automotive)	P	P	
Tool and equipment rental	P	P	
Construction			
Building materials storage (and lumber supply, including lumberyards)	P	P	
Carting, express, hauling, or storage yards	P	P	
Contractor's plant or storage yards	P	P	
Landscaping service	C	P	
Educational			
Child Day Care Facilities	P	P	
Educational Instructions and private schools	P	P	
Commercial schools and studios including art, dance, martial arts, and music	C	P	
Trade schools	P	P	
Training centers, engineering or sales	P	P	
Food, Drink, Entertainment and Hospitality			
Retail, wholesale, service*	P	P	Wholesale storage or warehousing shall not exceed 1,000 cubic feet.
Sale of used goods	C	P	
Antique shops	P	P	
Bars, taverns, clubs and restaurants serving alcoholic beverages	C	P	
Brew pubs and similar establishments	C	P	
Mobile vending's (food trucks)	C	C	
Restaurants, excluding drive-in or drive-thru facilities	C	P	
Sexually Oriented Business/Adult Entertainment	-	P	Section 155.108(d(5))
Health Care and Social Assistance			
Hospitals*	P	P	Table 155.02 L3
Animal Hospitals	P	P	Buildings and pens shall not be located within 100 feet of any residential district.
Group Care Cat 1 6-15	P	P	
Group Care Cat 2	C	P	
Nursing homes and similar	P	P	
Medical and dental laboratories	C	C	Section 155.108(b(2))
Manufacturing			
Acid manufacture or wholesale storage.	-	C	Section 155.108(b(2))
Smelting or reduction of ores or metallurgical products.	-	C	Section 155.108(b(2))
Petroleum or its products, refining or wholesale storage.	-	C	Section 155.108(b(2))
Explosive or fireworks manufacture or storage.	-	C	Section 155.108(b(2))
Fat rendering, tallow, grease, or lard refining or the manufacture of candles from fats.	-	C	Section 155.108(b(2))
Fertilizer manufacture.	-	C	Section 155.108(b(2))

Garbage, offal, or dead animal reduction or dumping.	-	C	Section 155.108(b(2))
Gas manufacture or storage.	-	C	Section 155.108(b(2))
Glue, size, or gelatin manufacture.	-	C	Section 155.108(b(2))
Cement, lime, gypsum or plaster of paris manufacture.	-	C	Section 155.108(b(2))
Manufacturing not incidental of on-premise retail	-	P	
Coal, coke, or wood yards	P	P	
Crematories (Except with cemetery)	P	P	
Dyeing and claeing works, more than 15 ppl	P	P	
Building material manufacturing including milling, planning and joining	C	C	
Chemical manufacturing and storage	C	C	Section 155.108(b(1))
Machine, sheet metal and wiewding shops	C	C	Section 155.108(b(2))
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials	P	C	Section 155.108(b(2))
Metal stamping, pressing and buffing	C	C	Section 155.108(b(2))
Paint, rust proofing and rust coating	C	C	Section 155.108(b(2))
Tool and die shops	C	C	Section 155.108(b(2))
Offices, Research and Technical Facilities			
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	P	P	
Research, development and testing laboratories	P	P	
Public Facilities			
Churches	C	C	
Schools	P	P	
Public property	P	P	
Forests	P	P	
Cemeteries*	P	P	Table 155.02 L4
Educational Institutions and private schools	P	P	
Golf Courses*	P	P	Table 155.02 L5
City Rec Buildings	P	P	
Government offices, buildings and facilities	P	P	
Transportation and Warehousing			
Bottled gas storage and distribution	C	C	
Cartage, express and parcel delivery facilities	C	C	
Heliports and helipads	C	C	
Mini-warehouse and self-storage facilities	C	P	
Warehouses and distribution centers	P	P	
Wholesale businesses	P	P	
Utilities			
Public utility buildings	P	P	
Solar facilities (non-residential)	P	P	
Telephone exchange buildings	P	P	

Utility substations	P	P	
Wind energy conversion systems (single accessory)	C	C	
Wireless communication facilities and towers	C	C	
Vehicle Sales, Service and Related			
Automotive Repair	P	P	
Automobile Wrecking and Salvaging	-	-	L1
Automotive Services	P	P	
Automobile Body shops	P	P	
Truck and heavy equipment repair	-	C	
Truck and trailer rental	C	P	
Vehicle and equipment rental	C	P	
Vehicle repair, major	C	P	
Vehicle repair, minor	C	P	
Vehicle service stations	C	P	
Vehicle wash facilities	C	P	
Waste Processing and Disposal			
Distillation of bones, coal or wood.	-	C	Section 155.108(b(2))
Recycling collection and/or processing facility (non-hazardous)	-	C	Section 155.108(b(2))
Storage of hazardous materials	-	C	Section 155.108(b(2))
Other			
Single Family (not factory built)	-	-	
Multiple Dwellings	P	-	
Mobile Homes	-	-	
Two-family Dwellings	P	-	
Business	-	P	
Fraternities, dorms, private clubs	P	P	Except those where the chief activity is a service customarily carried on as a business
Agriculture	P	P	
Artisan shops, such as glass blowers, metal sculptures, wood carvers and weavers producing their goods and selling them for retail on premises	C	P	
Bicycle sales, rental and repair	C	P	
Radio, television and recording studios	P	P	
Uses similar to other uses permitted in this zoning district and consistent with the purpose of the district, as determined in accordance with Section 155.10	C	C	Section 155.10

L1: All business activities shall be wholly enclosed within a building or by a wooden fence not less than eight feet in height and in which the opening or cracks are less than 15% of the total area.

155.043 Spatial Requirements

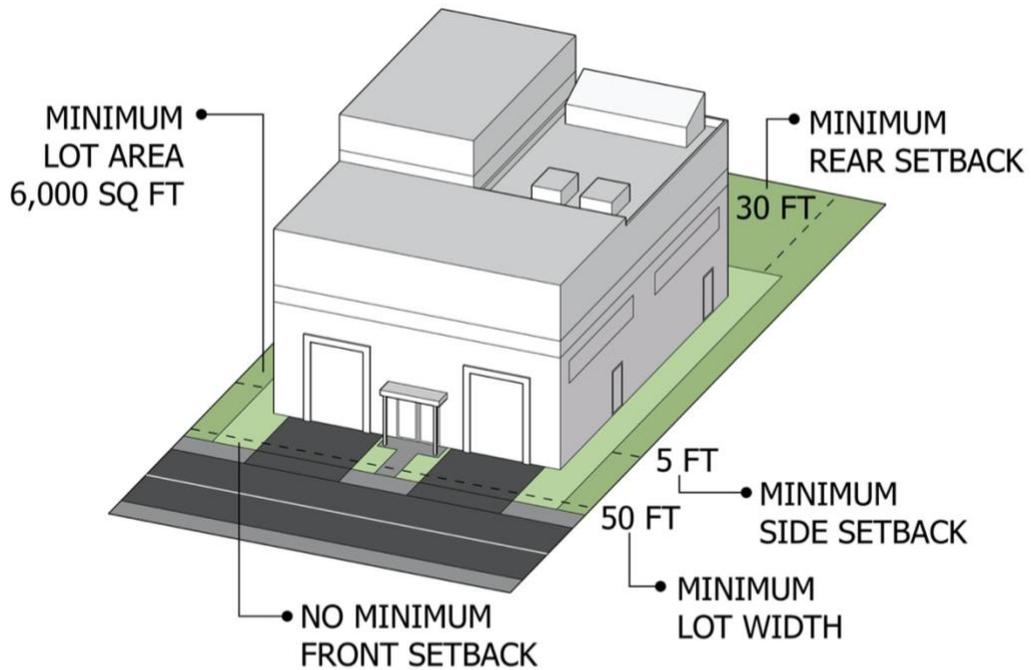
(a) All lots and buildings shall meet the minimum area and width requirements of Table 155.043. New lots shall not be created, except in conformance with these requirements.

Table 155.043 Lot and Width Requirements: Industrial Districts		
Zoning District	Minimum Lot Area (sq ft.)	Minimum Lot Width (ft.)
F	6,000	50
G	6,000	50

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in *Table 155.043a*.

Table 155.043a					
Zoning District	Maximum Building Height (ft./stories)	Minimum Yard Setback (ft)			Unit Density in Dwelling Units (DU)/sq ft.
		Front	Side	Rear	
F	5 stories, 50 ft	0 ¹	5 ft if adjacent to residential	30 ft if adjacent to residential	N/A
G	5 stories, 50 ft	0 ¹	5 ft if adjacent to residential	30 ft if adjacent to residential	N/A

¹ If adjacent to residential or commercial zone then those setbacks apply as the setback in this zone.



INDUSTRIAL F/G

155.044 Site Development Regulations

In addition to the requirements of this chapter, all development in the F and G Districts shall meet the applicable requirements as listed elsewhere in this code:

- (a) General Provisions, see *Chapter 155.09*
- (b) Conditional Use Requirements, see *Chapter 155.10*
- (c) Parking and Loading, see *Chapter 155.11*
- (d) Signs, see *Chapter 155.12*
- (e) Site Plan Review Requirements, see *Chapter 155.13*
- (f) Buffering and Screening Requirements, see *Chapter 155.14*

Chapter 155.05 Recreational Districts

155.051 Purpose

"H," Parks, Playgrounds and Recreational District. The H District is established for the protection of flora and fauna in significant natural areas of the City where protection of sensitive and valued resources is a high priority for the community. Because of natural topography, flood plain limitations and various institutional restrictions, these lands are generally not suited or appropriate for agriculture or development.

155.052 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of *Table 155.052* may be used for the purposes denoted by the following abbreviations:

- (a) **Permitted Use (P).** Land and/or buildings in this district may be used by right.
- (b) **Conditional Use (C).** Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of *Chapter 155.10* are met.
- (c) **Specific Conditions.** Indicates requirements or conditions, as listed in *Chapter 155.10*, are applicable to specific uses.
- (d) Uses marked with an **(-)** are **not permitted** within the specific zoning district.

Table 155.052		
Use	H	Specific Condition
Accessory Uses		
Employee Quarters	A	
Private Garage	A	
Private stable	A	
Home Occupation	A	<i>Section 155.108(e)4</i>
Domestic Pets	A	
Roadside Agriculture stand	A	Table 155.02 L1
Temporary building related to construction	A	
Garage Sales	A	<i>Section 155.091(d)</i>
Small Animal Agriculture	A	Table 155.02 L2
Storage Garages	A	
Agricultural and Animal-Related Uses		
<i>Community Gardens</i>	P	
<i>Riding Stables</i>	C	
Agriculture	P	

Public/Quasi-Public		
Churches	C	
Schools	P	
Public property	P	
Forests	P	
Cemeteries	P	Table 155.02 L4
Educational Institutions and private schools	P	
Golf Courses	P	Table 155.02 L5
City Rec Buildings	P	
Parking Lots	C	<i>Section 155.108(h(6))</i>
Hospitals and clinics unless animal oriented	P	
Recreational and Educational		
<i>Forest and wildlife preserves</i>	P	
<i>Interpretive Centers</i>	P	
<i>Public parks/playgrounds/recreation areas</i>	C	
Other		
Single Family (not factory built)	P	
Two-family Dwellings	P	
Type A Family Day Care	P	
Type B Family Day Care	P	
Child Day Care	C	<i>Section 155.108(e(10))</i>
Boarding and lodging houses	P	
Group Care Homes Category I	P	
Wireless communication facilities and towers	C	
<i>Governmental offices, buildings and facilities</i>	P	
Uses similar to other uses permitted in this zoning district and consistent with the purpose of the district, as determined in accordance with <i>Section 155.10</i>	C	<i>Section 155.10</i>

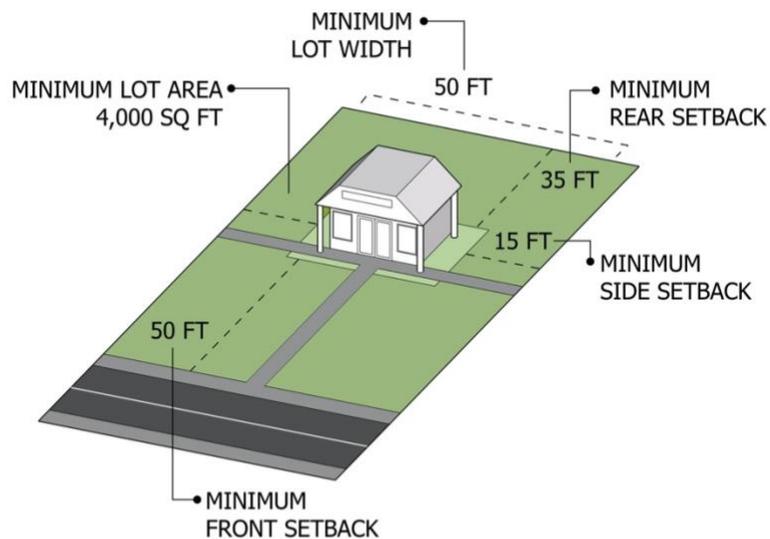
155.053 Spatial Requirements

(a) All lots and buildings shall meet the minimum area and width requirements of *Table 155.053*. New lots shall not be created, except in conformance with these requirements.

Table 155.053 Lot and Width Requirements: Recreational District		
Zoning District	Minimum Lot Area (sq ft.)	Minimum Lot Width (ft.)
H	5,000/4,000*	50

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in *Table 155.053a*.

Table 155.053a					
Zoning District	Maximum Building Height (ft./stories)	Minimum Yard Setback (ft)			Unit Density in Dwelling Units (DU)/sq ft.
		Front	Side	Rear	
H	2.5 stories, 35 ft	50	15	35	N/A



RECREATIONAL H

155.054 Site Development Regulations

In addition to the requirements of this article, all development in the Recreational District shall meet the applicable requirements as listed elsewhere in this code:

(a) General Provisions, see *Chapter 155.09*

- (b) Conditional Use Requirements, see Chapter 155.10
- (c) Parking and Loading, see Chapter 155.11
- (d) Signs, see Chapter 155.12
- (e) Site Plan Review Requirements, see *Chapter 155.13*
- (f) Buffering and Screening Requirements, see *Chapter 155.14*

Chapter 155.06 Planned Unit Development

155.061 Purpose

The Planned Unit Development (PUD) District is established as an optional development tool to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety of design, layout and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment and business opportunities particularly suited to residents; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the property and surrounding areas. It is the further intent of the PUD regulations to promote a higher quality of development than can be achieved from conventional zoning requirements in furtherance of the vision and goals of the adopted Mt. Healthy Comprehensive Plan.

155.062 Qualifying Conditions

In order to qualify for PUD approval, the project must satisfy the conditions of this section. It is the applicant's responsibility to demonstrate, in writing, that each of the following criteria is or will be met by the proposed PUD:

- (a) *Recognizable Benefit.* A PUD shall achieve recognizable and substantial benefits that would not be possible under the existing zoning classification(s). At least three of the following benefits shall be accrued to the community as a result of the proposed PUD:
 - (1) preservation of significant natural features,
 - (2) a complementary mix of land uses or housing types,
 - (3) extensive open space and recreational amenities,
 - (4) connectivity of open space with new or existing adjacent greenway or trail corridors,
 - (5) preservation of small-town appeal,
 - (6) improvements to public streets or other public facilities that mitigate traffic and/or other development impacts,
 - (7) coordinated development of multiple small parcels,
 - (8) or removal or renovation of blighted buildings, sites or contamination clean-up.
- (b) *Size.* Each PUD shall contain a minimum of five acres; provided sites containing less than five acres may be considered for rezoning to PUD, if the City Council determines that the site will advance the purposes of the PUD District. When determining the appropriateness of areas less than the applicable minimum required, the City Council shall determine that:

- (1) rezoning the area to PUD will not result in a significant adverse effect upon nearby or adjacent City lands;
 - (2) the proposed uses will complement the character of the surrounding area;
 - (3) the purpose and qualifying conditions of the PUD District can be achieved within a smaller area; and
 - (4) the PUD is not being used as a means to circumvent conventional zoning requirements.
- (c) *Utilities.* The PUD shall be served by public water and sanitary sewer.
- (d) *Ownership.* The PUD application shall be filed by the property owner, lessee or other person with legal interest in the property and written consent by the owner. The proposed development shall be under unified ownership or control, so one person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as proposed.
- (e) *Comprehensive Plan and Vision.* Proposed uses and design of the PUD shall be substantially consistent with the City's adopted Comprehensive Plan and the principles for land stewardship contained in the Healthy Hilltops Plan.
- (f) *Pedestrian Accommodation.* The PUD shall provide for integrated, safe and abundant pedestrian and bicycle access and movement within the PUD and to adjacent properties.
- (g) *Architecture.* Building forms, relationships, scale and styles shall be harmonious and visually integrated.
- (h) *Traffic.* The PUD shall provide for safe and efficient vehicular movement within, into and out of the PUD site. Traffic calming techniques, parking lot landscaping, and other sustainable design solutions shall be employed to improve traffic circulation, storm water management, pedestrian safety and aesthetic appeal.
- (i) *Eligible Districts.* Land within any zoning district may qualify for PUD zoning.

155.063 PUD Requirements

- (a) *Permitted Uses.* Any use permitted by right or conditional approval in any zoning district may be permitted within a PUD, subject to the provisions of *Section 155.062, Qualifying Conditions* and the requirements of this section.
- (b) *Minimum Lot Size and Zoning Requirements.* Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district applicable to the proposed use, as provided in *Table 155.063*, shall be applicable for all such uses within a PUD, unless modified in accordance with *Section 155.063 (d)*. In the case of a mix of uses, the zoning requirements applicable to each use category shall apply to that use.

Table 155.063 Minimum Zoning Requirements	
Land Use	Applicable Zoning District
Single Family	B
Two Family	C
Townhome	C
Multiple family	D
Retail, service business	CBD (Or E?)
Office	OB
Industry	F

- (c) *Connectivity.* Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. The pathways shall be paved and shall be designed to City standards.
- (d) *Modification of Minimum Requirements.* District regulations applicable to a land use in the PUD may be altered from the requirements specified in *Table 155.063*, including but not limited to, modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. The applicant for a PUD shall identify, in writing, all intended deviations from the zoning requirements. Modifications may be approved by the City Council during the preliminary development plan review stage, after Planning Commission recommendation. These adjustments may be permitted only if they will result in a higher quality and more sustainable development consistent with the purposes of PUD expressed in *Section 155.061*. The modifications shall also satisfy at least four of the following criteria:
- (1) preserve the best natural features of the site;
 - (2) create, improve or maintain open space for the residents, employees and visitors beyond the minimum required by subsection (e);
 - (3) commit that at least ten percent of all dwelling units in the PUD will be “permanently” affordable units or twenty percent affordable units, or commit to a payment in lieu of constructing such units, as agreed to with the City Council;
 - (4) provide a mix of residential types such as single family, townhome and/or multiple family;
 - (5) employ low impact design and/or other best practices to manage storm water and reduce the off-site impacts of runoff;
 - (6) employ practices in site layout, building construction and materials that will result in a measurable reduction in energy consumption;
 - (7) introduce new development concepts, such as cohousing: and/or
 - (8) include a mix of residential and non-residential uses.
- (e) *Density Bonus.* In addition to the modification of minimum requirements permitted in *Section 155.063(d)*, the City Council, after Planning Commission recommendation, may permit an increase in the total number of residential units allowed within a PUD where it is demonstrated that at least three of the following amenities will be included in the development:
- (1) more than twenty percent of the total units within the PUD will be committed as “permanently” affordable units;

- (2) cool roof technology will be employed on all buildings within the PUD;
 - (3) fresh food market will be incorporated into the PUD;
 - (4) buildings will be designed and constructed to accommodate green roof gardens;
 - (5) one or more of the buildings within the PUD will be LEED certified building(s);
 - (6) low impact development (LID) design principles will be employed to minimize storm water runoff;
 - (7) solar panels will be installed on one or more of the buildings within the development and will yield a measurable reduction in energy usage;
 - (8) additional accommodation beyond the required pathways will be made for bicycles and pedestrians; and/or
 - (9) a minimum of 25% open space will be dedicated within the development.
- (f) *Open Space*. At least 15 percent of the area of a PUD site shall be preserved as open space, in accordance with the following requirements. For purposes of this requirement, "green roofs" shall be counted as open space.
- (1) Areas Not Considered Open Space. The following land areas shall not be counted as required open space for the purposes of this section:
 - A. the area within any public street right-of-way or private street easement;
 - B. any easement for overhead utility lines, unless adjacent to qualified open space;
 - C. storm water detention ponds; provided rain gardens or ponds designed as water features that may also provide for storm water storage may be counted toward required open space;
 - D. 50 percent of any flood plain, wetland, water body or steep slope (15 percent or greater) area and 50 percent of the area of any golf course;
 - E. the area within a platted lot, unless the lot has been dedicated to open space on the plat via conservation easement or other means of ensuring that the lot is permanent open space; and
 - F. parking and loading areas.
 - (2) Specifications for Required Open Space. Required open space areas shall meet the following specifications:
 - A. shall be for use by all residents, employees and visitors of the PUD, subject to reasonable rules and regulations. In the case of a golf course, stable or similar facility, membership shall be available to all residents of the PUD, subject to charges, fees or assessments for use;
 - B. if the site contains a river, stream or other body of water, the City may require that a portion of the required open space abuts the body of water;
 - C. leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public street rights-of-way;
 - D. protects the roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that fronts directly onto existing roadways;
 - E. shall be configured so the open space is reasonably usable by residents of the PUD;
 - F. shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of this chapter and enhance the quality of the development. The open space shall neither

be perceived nor function simply as an extension of the rear yard of those lots abutting it;

- G. to the extent practical, open space areas shall be linked with adjacent open spaces, public parks, bicycle paths or pedestrian paths;
- H. pedestrian access points to the required open space areas from the interior of the PUD shall be provided and clearly identified by signs or a visible improved path for safe and convenient access;
- I. grading shall be minimal, with the intent to preserve existing topography and landscaping where practical; and
- J. may contain ball fields, tennis courts, swimming pools and related buildings, community buildings, golf courses, and similar recreational facilities. However, no more than 50% of the required open space may contain any of these uses.

(g) *Existing PUDs, EE, DD, and FF Zones.* Within the City there are previously approved planned unit developments, identified on the zoning map as "PUD," "DD," "EE," "FF". These developments shall be exempt from the requirements of this chapter and shall conform to the prior approved development plans for each respective project. However, any expansion to or modification of the existing approved developments that constitutes a major change, as defined in *Section 155.067*, shall be subject to the following procedural requirements of this chapter:

- (1) Major changes shall be subject to the Final Development Plan requirements of *Section 155.065(d)*.
- (2) The Review Standards of *Section 155.066(c) to (h)* shall apply.
- (3) The General Provisions of *Section 155.064* shall apply.

155.064 General Provisions

(a) *Conditions.* Reasonable conditions may be imposed upon the PUD approval by the Planning Commission and/or City Council. The conditions imposed shall be recorded in the minutes of the approval action, and shall remain unchanged except upon amendment of the PUD in accordance with the procedures of *Section 155.067*. Conditions may include, but are not limited to, those necessary to:

- (1) ensure public services and facilities will be capable of accommodating increased loads;
- (2) protect the natural environment and conserve natural resources and energy;
- (3) ensure compatibility with adjacent uses of land;
- (4) meet the intent and purpose of this code;
- (5) be related to the standards established in the code for the proposed PUD;
- (6) ensure compliance with the final development plan and the provisions of this code.

(b) *Performance Guarantees.* The City Council or Planning Commission may require reasonable performance guarantees, in accordance with *Section 155.144* of this code to ensure completion of specified improvements within the PUD.

(c) *Interior Streets.* Public or private streets may be required to be extended to exterior lot lines in order to allow connection to existing or planned streets on adjacent parcels, so as to

provide for secondary access, continuity of the circulation system and to reduce traffic on collector streets.

- (d) *Time Limits.* Each PUD shall be under construction within 12 months after the date of approval of the final development plan. If this requirement is not met, the City Council may, in its discretion, grant extensions not exceeding 12 additional months for each such extension; provided that prior to the expiration of the initial 12 month period and any subsequent extension, the applicant submits reasonable evidence in writing to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the initial 12 month approval period, or within an authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect. At the expiration of the applicable period of time, the Planning Commission or City Council may initiate proceedings for the rezoning of the property to some other zoning district.

155.065 Review Process

The following procedures shall be followed in the establishment of any planned unit development:

- (a) *Pre-Application Conference.* Prior to filing a formal application for a planned unit development, the applicant shall meet with the zoning administrator and/or other City officials in order to review the general character of the proposed development, i.e., its scope, nature and location. At this time, the applicant shall be advised of the PUD review procedures and the various information, studies, etc., which may be required as part of the review process.
- (b) *Preliminary PUD Application.* An application for rezoning to PUD shall be submitted to the zoning administrator on a form for that purpose, along with an application fee in accordance with the schedule of fees established by the City Council. In addition, the application shall include the following:
- (1) Parallel plan. Residential density shall be determined through the preparation of a conventional development plan illustrating how the site could be developed in accordance with the basic requirements specified in *Table 155.063*. A concept layout shall be prepared to scale showing, as applicable, single family and two-family lots, townhome and multiple family buildings, parking, setbacks and street rights-of-way. The number of units that could be accommodated under the requirements of *Table 155.063* shall serve as maximum number permitted, unless a density bonus is approved in accordance with *Section 155.063(e)*. Live/work units located above main floor businesses shall not be counted toward the maximum number of dwellings.
 - (2) Preliminary development plan. A preliminary development plan containing the following information shall be submitted:
 - A. general location map;
 - B. legal description of the subject property;
 - C. title block, date, north arrow, scale, name and contact information of applicant and name and contact information of plan preparer;
 - D. current topographical map clearly showing existing topographic conditions, including contour intervals of no more than two (2) feet based on field

- survey or photogrammetric methods;
- E. property boundary survey;
- F. location of existing natural features including woods, streams, ponds, wetlands and steep (15 percent or greater) slopes;
- G. existing land uses within the development site and surrounding areas for a distance of 300 feet, including the approximate location of all buildings, structures, lots and streets (an aerial photo may suffice);
- H. location and identification of existing and proposed public, semi-public, or community facilities such as schools, parks, trails, churches, public buildings and dedicated open space;
- I. existing zoning on all abutting properties;
- J. approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan;
- K. uses proposed within the PUD;
- L. number and type of dwelling units proposed, including the number and type of committed affordable units, if any;
- M. conceptual layout;
- N. general location of proposed interior streets and access points to abutting streets;
- O. number and general location of off-street parking facilities; and
- P. perspective drawings or photographs of representative building types, indicating the proposed architectural style and appearance.

(3) Summary of intent. A written statement containing the following information shall be submitted with the preliminary development plan:

- A. statement of how the proposed PUD meets each of the qualifying conditions of *Section 155.062*;
- B. statement of the present ownership of all land within the proposed development;
- C. explanation of the character of the proposed development including a summary of acres or square footage by type of use, number and type of dwelling units, gross density calculation for dwelling units, and minimum standards for floor area, lot size, and setbacks;
- D. verification that the subject site is not located within an existing flood plain;
- E. a complete description of any requested variations from the applicable spatial or other requirements applying to the property, in accordance with *Section 155.063(d)*;
- F. general statement of the proposed development schedule and progression of each phase or stage; and
- G. intended agreements, provisions, and covenants to govern the use of the development, building materials or architectural styles and any common or open space areas, including the provisions which will organize, regulate and sustain a property or home owners association, if applicable.

(c) *Preliminary PUD Plan and Rezoning*.

(1) Planning Commission review. Upon receipt of the PUD application and related materials, the Planning Commission shall conduct a work session with the applicant to review the development concept and determine the need for additional

- information and referral to the Architectural Review Board prior to conducting a public hearing.
- (2) Additional information. If required by the Planning Commission, the applicant shall submit additional information and/or studies to support the request such as, but not limited to: impact assessment, traffic analysis, storm water study, market feasibility study.
 - (3) Public hearing. Upon completion of its initial review and following receipt of any additional materials, the Planning Commission shall conduct a public hearing, notice of which shall be in accordance with the requirements of *Section 155.183(e)*.
 - (4) Recommendation. Following the public hearing, the Planning Commission shall review the PUD request and the preliminary development plan, based on conformance with the standards of *Section 155.066* and shall make a recommendation to the City Council to approve, disapprove, or approve with modifications the request for PUD zoning and the preliminary development plan.
 - (5) City Council action. Upon receipt of the Planning Commission recommendation, the City Council shall review the preliminary development plan, the record of the Planning Commission proceedings, the standards of *Section 155.066* and the recommendation of the Planning Commission and shall approve, disapprove, or approve with modifications the preliminary development plan and rezoning request.
 - (6) Zoning map. If the PUD zoning is approved, the zoning administrator shall cause the zoning map to be changed to indicate the planned unit development. If the preliminary development plan is approved with modifications, the applicant shall file with the zoning administrator written notice of consent to the modifications and a properly revised preliminary development plan prior to the map being changed.
- (d) Final Development Plan. Within 12 months of the City Council's approval of the preliminary development plan and PUD rezoning, the applicant shall submit a final development plan for the entire PUD or one or more phases to the zoning administrator, in accordance with the requirements for final site plan review as contained in *Section 155.135* of this code. If determined to be complete by the zoning administrator, copies of the plan shall be forwarded to the Planning Commission.
- (1) Phased projects. If the PUD is to be developed in phases, the final development plan may be submitted for one or more phases of the overall PUD. A tentative schedule for the completion of each phase and commencement of the next phase shall also be submitted for Planning Commission approval.
 - (2) Extension of time limit. One extension of the time period for submitting the final development plan may be granted by the City Council for up to an additional 12 months, if a request is submitted by the applicant, in writing, prior to the expiration of the original 12 month approval period. If an application for final development plan approval has not been submitted prior to the expiration of the original 12 months or an approved extension, the preliminary development plan shall be null and void. In addition, the Planning Commission or City Council may initiate a rezoning of the property to another zoning district.
 - (3) Subdivision plat. For any PUD requiring subdivision plat approval, the subdivision plat shall be submitted simultaneously with the final development plan and reviewed concurrently as part of the PUD.
 - (4) Review and action. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions or modifications attached to the PUD rezoning by the City Council. If it is

determined that the final plan does not substantially conform with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with *Section 155.065 (b)*. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for site plan review, *Section 1268.06* and the PUD standards of *Section 155.066*. The Planning Commission shall prepare a record of its findings and shall approve, disapprove, or approve with modifications the final development plan.

(e) *PUD Agreement.*

- (1) Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the City, in recordable form, setting forth the applicant's obligations with respect to the PUD.
- (2) The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required modifications, other documents which comprise the approved PUD, and all conditions attached to the approval by the City.
- (3) A phasing plan shall also be submitted, if applicable, describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- (4) The agreement shall also establish the remedies of the City in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.
- (5) All documents shall be executed and recorded in Hamilton County.

155.066 Review Standards

The proposed development must, to the satisfaction of the reviewing body, meet all of the following general standards:

- (a) The PUD will comply with the standards, conditions, and requirements of this chapter.
- (b) The PUD will promote the intent and purpose of this chapter.
- (c) The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project.
- (d) The proposed project will be consistent with the public health, safety, and welfare needs of the City.
- (e) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, which would not otherwise be feasible or achievable under the conventional zoning districts.
- (f) The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of

the PUD as approved.

- (g) The PUD will be consistent with the City's Comprehensive Plan and the Healthy Hilltops Plan. Specifically, the following planning principles shall be adhered to, as applicable:
- (1) Redevelopment and infill locations should be favored over greenfield development;
 - (2) Natural features and resources should be preserved or at least conserved;
 - (3) Future development/redevelopment shall strengthen the physical character of the City;
 - (4) Quality design is emphasized for all uses to create an attractive, distinctive public and private realm;
 - (5) Places are created with an integrated mix of uses that contribute to the City's identity and vitality;
 - (6) Diverse housing choices are found throughout the City, including relatively high density and affordable units;
 - (7) Parks, open space and recreational areas are incorporated into future development; and
 - (8) Places are connected and accessible throughout the community by transportation methods other than automobiles.
- (h) The PUD will respect or enhance the established or planned character, use, and intensity of development within the area of the City where it is to be located.

155.067 Changes to PUD

Changes to an approved PUD shall be permitted only under the following circumstances:

- (a) *Notify Zoning Administrator.* The holder of an approved PUD final development plan shall notify the zoning administrator of any desired change to the approved PUD.
- (b) *Minor Change Determination.* Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified modifications imposed as part of the original approval. Minor changes shall include the following:
- (1) reduction of the size of any building and/or sign;
 - (2) movement of buildings and/or signs by no more than ten feet;
 - (3) landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
 - (4) changes in floor plans which do not alter the character of the use or increase the amount of required parking;
 - (5) internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design; or
 - (6) changes required or requested by the City of Mt. Healthy or other county, state or federal regulatory agency in order to conform to other laws or regulations.
- (c) *Major Change Determination.* A proposed change not determined by the zoning administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the final development plan. While not required, the Planning Commission may elect to hold a public hearing in which case the notification requirements of *Section 155.183(e)* shall be followed.

155.068 Appeals

The Board of Zoning Appeals shall have no jurisdiction or authority to accept or consider an appeal from any PUD determination or decision, or any part thereof, nor shall the Board of Zoning Appeals have authority to grant variances for or with respect to a PUD or any part thereof.

Chapter 155.07 Overlay Districts

[RESERVED]

Chapter 155.08 Schedule of District Uses

DISTRICTS Use	RESIDENTIAL				BUSINESS			INDUSTRIAL		RECREATIONAL
	A	B	C	D	E	OB	CBD	F	G	H
ACCESSORY USES										
Employee Quarters	A	A	A	A	A	A	A	A	A	A
Caretaker Residence	-	-	-	-	-	-	-	A	A	-
Private Garage	A	A	A	A	A	A	A	A	A	A
Private Stable	A	A	A	A	A	A	A	A	A	A
Home Occupation	A	A	A	A	A	A	A	A	A	A
Domestic Pets	A	A	A	A	A	A	A	A	A	A
Roadside Agriculture Stand	A	A	A	A	A	A	A	A	A	A
Temporary building related to construction	A	A	A	A	A	A	A	A	A	A
Garage Sales	A	A	A	A	A	A	A	-	-	A
Small Animal Agriculture	A	A	A	A	A	A	A	A	A	A
Storage Garages	A	A	A	A	A	A	A	-	-	A
Cafeteria facilities located within a principal use	-	-	-	-	-	-	-	P	P	-
Childcare facilities located within a principal use	-	-	-	-	-	-	-	A	A	-
Corporate offices incidental to the principal use	-	-	-	-	-	-	-	P	P	-
Outdoor patio in conjunction with a permitted restaurant	-	-	-	-	-	-	-	C	C	-
Outdoor storage related to a principal use	-	-	-	-	-	-	-	C	C	-
Retail incidental to the manufacture or production of goods on the premises, not exceeding 30 percent of the total floor area of the principal building	-	-	-	-	-	-	-	C	C	-
Vehicle wash facilities for trucks and trailers	-	-	-	-	-	-	-	P	P	-
AGRICULTURAL, FOOD AND ANIMAL-RELATED USES										
Community gardens	-	-	-	-	-	-	-	-	-	P
Riding stables	-	-	-	-	-	-	-	-	-	C
Agriculture	-	-	-	-	-	-	-	-	-	P
Bakeries with more than 15 emp on premise	-	-	-	-	-	-	-	P	P	-
Abattoirs and slaughterhouses, except for poultry incidental to a retail store	-	-	-	-	-	-	-	-	P	-
Bottling works, brewing or distilling of Liquors	-	-	-	-	-	-	-	P	P	-
Milk distributing stations (outside of on-site retail)	-	-	-	-	-	-	-	P	P	-
Livery and stables or riding academies	-	-	-	-	-	-	-	P	P	-

Farm, including raising animals	-	-	-	-	-	-	-	-	P	-
Agribusiness	-	-	-	-	-	-	-	-	P	-
Farmers market	-	-	-	-	-	-	-	-	P	-
Food processing plants	-	-	-	-	-	-	-	-	P	-
Greenhouse/nursery (not including retail sale)	-	-	-	-	-	-	-	C	P	-
Kennels	-	-	-	-	-	-	-	C	P	-
Produce and other food product terminals	-	-	-	-	-	-	-	C	P	-
COMMERCIAL ESTABLISHMENTS										
Lumber yards or planning mills	-	-	-	-	-	-	-	P	P	-
Laundries, with more than 15 people	-	-	-	-	-	-	-	P	P	-
Metal working or welding shops	-	-	-	-	-	-	-	P	P	-
Stone or monument works with more than 5 emp on premise	-	-	-	-	-	-	-	P	P	-
Storage, bailing, or treatment of junk...	-	-	-	-	-	-	-	P	P	-
Storage warehouses	-	-	-	-	-	-	-	P	P	-
Blacksmith or horse-shoeing shop	-	-	-	-	-	-	-	P	P	-
Business machine sales & service	-	-	-	-	-	-	-	P	P	-
Cleaning services	-	-	-	-	-	-	-	P	P	-
Electric, plumbing supplies sales & service (not including showroom)	-	-	-	-	-	-	-	P	P	-
Glass sales & service	-	-	-	-	-	-	-	P	P	-
HVAC sales & service	-	-	-	-	-	-	-	P	P	-
Locksmith shops	-	-	-	-	-	-	-	P	P	-
Machinery and equipment sales & service	-	-	-	-	-	-	-	P	P	-
Mail order businesses and fulfillment centers	-	-	-	-	-	-	-	P	P	-
Pest control services	-	-	-	-	-	-	-	P	P	-
Petroleum product sales	-	-	-	-	-	-	-	P	P	-
Printing, photocopying and publishing facilities	-	-	-	-	-	-	-	P	P	-
Repair shops (non-automotive)	-	-	-	-	-	-	-	P	P	-
Tool and equipment rental	-	-	-	-	-	-	-	P	P	-
CONSTRUCTION										
Building materials storage (and lumber supply, including lumberyards)	-	-	-	-	-	-	-	P	P	-
Carting, express, hauling, or storage yards	-	-	-	-	-	-	-	P	P	-
Contractor's plant or storage yards	-	-	-	-	-	-	-	P	P	-
Landscaping service	-	-	-	-	-	-	-	C	P	-
FOOD, DRINK, ENTERTAINMENT, AND HOSPITALITY										
Taverns	-	-	-	-	-	-	C	-	-	-
Night Clubs	-	-	-	-	-	-	C	-	-	-
Outdoor Dining	-	-	-	-	A	A	C	-	-	-
Restaurants, excluding drive-in or drive thru facilities	-	-	-	-	P	P	P	C	P	-
Drive-Thru or Drive-In	-	-	-	-	C	C	-	-	-	-
Mobile vending (food trucks)	-	-	-	-	C	C	-	C	C	-
Boarding and lodging houses	-	-	-	-	P	-	P	-	-	-
Brew Pub	-	-	-	-	-	-	C	C	P	-
Bar	-	-	-	-	C	C	-	-	-	-
Brewery	-	-	-	-	C	C	-	-	-	-
Theater	-	-	-	-	P	P	P	-	-	-
Bowling Alley	-	-	-	-	P	P	P	-	-	-
Bakery	-	-	-	-	P	P	P	-	-	-

Bed and Breakfast	-	-	-	-	C	C	C	-	-	-
Hotel	-	-	-	-	-	-	-	-	-	-
Bars, taverns, clubs and restaurants serving alcoholic beverages	-	-	-	-	-	-	-	C	P	-
Sexually oriented business/adult entertainment	-	-	-	-	-	-	-	-	P	-
HEALTHCARE AND SOCIAL ASSISTANCE										
Hospitals	P	P	P	P	P	-	P	P	P	-
Group Care Homes Category I	C	C	C	C	P	-	-	-	-	P
Group Care Cat 1 6-15	-	-	-	-	C	-	-	P	P	-
Group Care Cat 2 5 or less	-	-	-	-	C	-	-	C	P	-
Nursing homes and similar	-	-	-	-	P	-	P	P	P	-
General medical, hospital, health centers	-	-	-	-	-	P	-	-	-	-
Hospitals and clinics unless animal oriented	-	-	-	-	P	-	P	-	-	P
Animal Hospitals	-	-	-	-	-	-	-	P	P	-
Medical and dental laboratories	-	-	-	-	-	-	-	C	C	-
MANUFACTURING										
Acid manufacture or wholesale storage	-	-	-	-	-	-	-	-	C	-
Smelting or reduction of ores or metallurgical products	-	-	-	-	-	-	-	-	C	-
Petroleum or its products, refining or wholesale storage	-	-	-	-	-	-	-	-	C	-
Explosive or fireworks manufacture or storage	-	-	-	-	-	-	-	-	C	-
Fat rendering, tallow, grease, or lard refining or the manufacture of candles from fats	-	-	-	-	-	-	-	-	C	-
Fertilizer manufacture	-	-	-	-	-	-	-	-	C	-
Garbage, offal, or dead animal reduction or dumping	-	-	-	-	-	-	-	-	C	-
Gas manufacture or storage	-	-	-	-	-	-	-	-	C	-
Glue, size, or gelatin manufacture	-	-	-	-	-	-	-	-	C	-
Cement, lime, gypsum or plaster of paris manufacture	-	-	-	-	-	-	-	-	C	-
Manufacturing not incidental of on-premise retail	-	-	-	-	-	-	-	-	P	-
Coal, coke, or wood yards	-	-	-	-	-	-	-	P	P	-
Crematories (except with cemetery)	-	-	-	-	-	-	-	P	P	-
Dyeing and claeing works, more than 15 ppl	-	-	-	-	-	-	-	P	P	-
Building material manufacturing including milling, planning and joining	-	-	-	-	-	-	-	C	C	-
Chemical manufacturing and storage	-	-	-	-	-	-	-	C	C	-
Machine, sheet metal and welding shops	-	-	-	-	-	-	-	C	C	-
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials	-	-	-	-	-	-	-	P	C	-
Metal stamping, pressing and buffing	-	-	-	-	-	-	-	C	C	-
Paint, rust proofing and rust coating	-	-	-	-	-	-	-	C	C	-
Tool and die shops	-	-	-	-	-	-	-	C	C	-
NON-RESIDENTIAL										
Agriculture	P	P	P	P	-	-	-	P	P	-
Parking Lot	-	-	-	C	-	-	-	-	-	-
Business	-	-	-	-	-	-	-	-	P	-

Clinics	-	-	-	P	-	-	-	-	-	-
OFFICE, FINANCIAL AND COMMERCIAL SERVICES										
Offices	-	-	-	C	-	P	P	-	-	-
Banks	-	-	-	-	P	-	-	-	-	-
Financial Institutions	-	-	-	-	P	-	-	-	-	-
OFFICE, RESEARCH AND TECHNICAL FACILITIES										
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	-	-	-	-	-	-	-	P	P	-
Research, development and testing laboratories	-	-	-	-	-	-	-	P	P	-
OTHER										
Wireless communication facilities	-	-	-	-	-	-	-	-	-	C
Historic Properties	-	-	-	-	P	-	P	-	-	-
Agriculture	-	-	-	-	P	-	P	P	P	-
Commercial schools and studios including art, dance, martial arts, and music	-	-	-	-	-	-	-	C	P	-
Trade schools	-	-	-	-	-	-	-	P	P	-
Training centers, engineering or sales	-	-	-	-	-	-	-	P	P	-
Artisan shops, such as glass blowers, metal sculptures, wood carvers and weavers producing their goods and selling them for retail on premises	-	-	-	-	-	-	-	C	P	-
Bicycle sales, rental and repair	-	-	-	-	-	-	-	C	P	-
Radio, television and recording studios	-	-	-	-	-	-	-	P	P	-
Uses similar to other uses permitted in this zoning district and consistent with the purpose of the district, as determined in accordance with Section 155.10	C	C	C	C	C	C	C	C	C	C
PERSONAL SERVICE										
Family Day Care	-	-	-	-	P	-	-	-	-	-
Group Day Care	-	-	-	-	C	-	-	-	-	-
Salon/Barber Shop	-	-	-	-	P	P	-	-	-	-
PUBLIC/QUAST-PUBLIC										
Churches	C	C	C	C	C	-	C	C	C	C
Schools	P	P	P	P	P	-	P	P	P	P
Publicly Owned Facilities/Property	P	P	P	P	P	-	P	P	P	P
Cemeteries	C	C	C	C	P	-	P	P	P	P
Educational institutions and private schools	-	-	-	-	P	-	P	P	P	P
Parking lots	-	-	-	-	-	-	-	-	-	C
Governmental offices, buildings and facilities	-	-	-	-	-	-	-	P	P	P
RECREATION										
Forests	P	P	P	P	P	-	P	P	P	P
Golf Courses	P	P	P	P	P	-	P	P	P	P
City Rec Buildings	P	P	P	P	P	-	P	P	P	P
Forest and wildlife preserves	-	-	-	-	-	-	-	-	-	P
Interpretive centers	-	-	-	-	-	-	-	-	-	P
Public parks/playground/recreation areas	-	-	-	-	-	-	-	-	-	C
RETAIL										
Retail, Wholesale, Service	-	-	-	-	P	-	P	P	P	-
Sale of Used Goods	-	-	-	-	C	-	-	C	P	-

Antique Shops	-	-	-	-	P	-	-	P	P	-
Thrift Shop	-	-	-	-	P	-	-	-	-	-
RESIDENTIAL										
Single family (not factory built)	P	P	P	P	P	-	P	-	-	P
Two-family Dwellings	-	C	P	P	P	-	P	P	-	P
Townhomes	C	C	C	C	-	-	-	-	-	-
Condominiums	C	C	C	C	-	-	-	-	-	-
Modular Homes	-	-	-	-	-	-	-	-	-	-
Multiple Dwellings	-	-	-	P	P	-	P	P	-	-
Dwellings located on second floor or above 1st floor commercial	-	-	-	-	-	-	P	-	-	-
Type B family day care	-	-	-	-	P	-	-	P	P	P
Type A family day care	-	-	-	-	P	-	-	P	P	P
Mobile homes	-	-	-	-	-	-	-	-	-	-
Boarding and Lodging Houses	-	-	-	P	-	-	-	-	-	P
Fraternities, Dorms, Private Clubs	-	-	-	C	P	-	P	P	P	-
Child Day Care	-	-	-	C	-	-	-	-	-	C
TRANSPORTATION AND WAREHOUSING										
Bottled gas storage and distribution	-	-	-	-	-	-	-	C	C	-
Cartage, express and parcel delivery facilities	-	-	-	-	-	-	-	C	C	-
Heliports and helipads	-	-	-	-	-	-	-	C	C	-
Mini-warehouse and self-storage facilities	-	-	-	-	-	-	-	C	P	-
Warehouses and distribution centers	-	-	-	-	-	-	-	P	P	-
Wholesale businesses	-	-	-	-	-	-	-	P	P	-
UTILITIES										
Public utility buildings	-	-	-	-	-	-	-	P	P	-
Solar facilities (non-residential)	-	-	-	-	-	-	-	P	P	-
Telephone exchange buildings	-	-	-	-	-	-	-	P	P	-
Utility substations	-	-	-	-	-	-	-	P	P	-
Wind energy conversion systems (single accessory)	-	-	-	-	-	-	-	C	C	-
Wireless communication facilities and towers	-	-	-	-	-	-	-	C	C	-
VEHICLE SALES, SERVICES AND RELATED USES										
Automotive Repair (minor)	-	-	-	-	C	-	-	P	P	-
Automotive Repair (major)	-	-	-	-	-	-	-	P	P	-
Automotive Services	-	-	-	-	P	-	-	P	P	-
Automobile wrecking and salvaging	-	-	-	-	-	-	-	P	P	-
Automobile body shops	-	-	-	-	-	-	-	P	P	-
Truck and heavy equipment repair	-	-	-	-	-	-	-	-	C	-
Truck and trailer rental	-	-	-	-	-	-	-	C	P	-
Vehicle and equipment rental	-	-	-	-	-	-	-	C	P	-
Vehicle repair, major	-	-	-	-	-	-	-	C	P	-
Vehicle repair, minor	-	-	-	-	-	-	-	C	P	-
Vehicle service stations	-	-	-	-	-	-	-	C	P	-
Vehicle wash facilities	-	-	-	-	-	-	-	C	P	-
WASTE PROCESSING AND DISPOSAL										
Distillation of bones, coal or wood	-	-	-	-	-	-	-	-	C	-
Recycling collection and/or processing facility (non-hazardous)	-	-	-	-	-	-	-	-	C	-
Storage of hazardous materials	-	-	-	-	-	-	-	-	C	-

Chapter 155.09 General Provisions

155.091 Buildings and Structures

- (a) *Fences and Walls.* Notwithstanding other provisions of this zoning code, fences, walls and foliage are permitted in required yards under the following conditions:
- (1) Only decorative fencing as regulated below shall be permitted in the front yard. The height shall not exceed four feet in the front yard, including both front yards of a corner or through lot, except within the clear vision triangle (see *Section 155.092(b)*) which shall be three feet.
 - a. A decorative fence shall be limited in type to types commonly referred to as split rail, wrought iron, or decorative metal, wood picket fence, but shall excluded chain link wire fences or otherwise permitted decorative fences less than 30% open to light and air.
 - (2) Fences, walls and foliage adjacent to any public sidewalk shall be set back at least one foot from the inside of the sidewalk.
 - (3) Visibility into and out of any driveway or street shall remain unobstructed.
 - (4) Within a side or rear yard in a Residential District, no fence or wall shall be permitted to exceed a height of six feet, measured from the natural grade to the uppermost portion of the fence.
 - (5) In Residential Districts, if both sides of the fence are not identical, the finished side shall face the adjoining property.
 - (6) Fences in nonresidential districts shall be permitted up to eight feet in height, provided for each foot exceeding six feet, there shall be a one and one-half foot setback from side property lines.
 - a. Except fences for permitted recreational and agricultural uses where no height limitation shall apply.
 - (7) Barbed wire or electrically charged fences may be erected in nonresidential districts, provided the electrically charged or barbed section of the fence shall be no lower than seven feet above grade.
 - (8) Fences, walls or foliage erected or maintained above or within utility easements shall be subject to removal, as necessary, to provide access to such easements.
- (b) *Temporary Buildings and Structures.*
- (1) Construction buildings and structures, including trailers, incidental to construction work on a lot, may be placed on that lot, subject to the following:
 - A. Construction buildings and structures may only be used for the storage of materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities related to construction activity on the lot. An enclosed structure for temporary sanitation facilities shall be required on all construction sites.
 - B. No construction building or structure shall be used as a dwelling unit.
 - C. A permit shall be obtained from the zoning administrator prior to installation of a construction building or structure.
 - D. Construction buildings and structures shall be removed from the site within 15 days after an occupancy permit is issued by the zoning administrator for the permanent structure on the lot, or within 15 days after the expiration of a building permit issued for construction on the lot.

(2) Sales offices or model homes may be placed on a lot subject to the following:

- A. A permit shall be obtained from the zoning administrator prior to installation or construction. The permit shall specify the location of the office and shall be valid for a period of up to one year. A temporary permit may be renewed by the zoning administrator for up to two successive one year periods or less at the same location, if it is determined that the temporary building is still incidental and necessary.
- B. Only transactions related to the development in which the temporary building is located shall be conducted within the building. General offices for real estate, construction, development or other related businesses associated with the project shall not be permitted.

(c) *Dumpsters.* All uses that maintain garbage dumpsters on site shall provide a screened enclosure by means fence/wall, or a combination thereof equal in height to the dumpster as regulate by *Section 155.091*. All such garbage collection areas shall be located in the rear yard and setback a minimum of two (2) feet from any property line, unless site limitations such as topography, yard area, or access prevent such placement, as determined by the Zoning Administrator.

(d) *Garage Sales.* Garage sales. Wherein personal property may be sold from a residential district, provided that:

- (1) No property shall be offered for sale which has not been owned and used by the occupant of the premises.
- (2) Not more than two garage sales shall be conducted on the premises in any calendar year.
- (3) No garage sales shall be conducted for longer than three consecutive days in duration.
- (4) Garage sales may be conducted during daylight hours only.
- (5) No garage sale shall be conducted within the City of Mt. Healthy without the issuance of a garage sale permit.
- (6) Any person(s) or group desiring to have a garage sale shall make application to the City Clerk. Such application shall state the name of the person(s) or group who is having the sale, the address of the person(s) or group, the location of the sale, and the dates of the sale. Upon submission of the application the person(s) or group shall be issued a permit that must be in a conspicuous place on the premises on which the sale is being held.
- (7) The City Clerk shall charge and collect a fee of \$5 for the second garage sale permit.

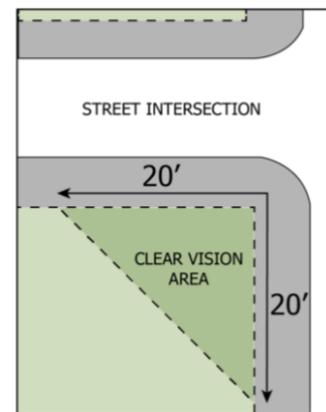
(e) *Unlawful Buildings and Uses.* Any building, use or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this code shall continue to be unlawful, unless expressly permitted by this zoning code. Such buildings, uses or lots shall not be considered to be nonconforming and are not entitled to any consideration under the provisions of *Chapter 155.19*.

155.092 Dimensional Provisions

(a) *Average Front Setback.* The minimum front setback requirements for a principal building in any Residential District may be reduced in accordance with the following:

- (1) Where two or more lots entirely or partially within 200 feet of a subject lot, on the same side of the street and the same block, are occupied by principal buildings whose existing front setback is less than required by the zoning district, the average of the established setbacks for those buildings shall be the minimum required front setback for the subject lot.
- (2) In no case, however, shall the front yard setback for a garage, whether attached or detached, be less than 20 feet in order to provide adequate vehicle parking space in front of the garage without blocking a sidewalk or otherwise impeding pedestrian movement.

(b) *Clear Vision Corner.* Fences, walls, structures, shrubbery or other potential obstructions to vision, except utility poles, lights and street signs, shall not be permitted to exceed a height of three feet within a triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point of intersection with the right-of-way lines.



(c) *Cul-de-sac Lots.* In the case of lots abutting the turn-around radius of a cul-de-sac street, the minimum required lot width shall be measured at the required front setback line; provided all such cul-de-sac lots shall have a minimum width of 40 feet at the front lot line.

(d) *Height Exceptions.* Height limits specified elsewhere in this zoning code shall not apply to:

- (1) Churches, schools, hospitals and public buildings including, but not limited to: libraries, museums, art galleries, fire stations or public buildings of a cultural, recreational or administrative nature.
- (2) Barns, silos or other buildings or structures on farms; church spires, belfries, cupolas and domes; monuments; transmission towers; windmills; chimneys; smokestacks; flagpoles; and radio towers, masts and aerials. These structures shall be limited to 100 feet in height in any case, unless otherwise permitted in this code.
- (3) Structures needed as part of an industrial facility where the manufacturing process requires a greater height; provided, however, that all such structures shall be limited to 25 percent of the area of the lot and shall meet all yard setback requirements for a principal building, but in no case less than 25 feet.

(e) *Minimum Lot Frontage.* Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located.

(f) *Required Yards or Lots.* No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make the area or space less than the minimum size required by this code. If already less than the minimum size required, the area or space shall not be further divided or reduced.

155.093 Parking and Storage

- (a) *Outdoor Storage.* Outdoor storage of merchandise, equipment, supplies, products or other materials shall only be permitted in those districts and under the conditions specifically authorized by this code.
- (b) *Recreational Vehicle Parking.* It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the City and to use the same as a dwelling. This provision shall not prohibit the temporary occupancy for periods up to 72 hours of a recreational vehicle; provided the recreational vehicle contains sleeping accommodations, is parked on a paved lot per *Chapter 155.11* in a Residential District, located behind the frontage of the primary building, and is for the use of the owner of that lot or guests of the owner. Vehicles longer than 40 feet in length and taller than 14 feet are prohibited. Vehicles regulated in this section that exceed 24 feet in length shall meet following setback requirements:
- (1) Recreational vehicles greater than 24 feet but less than or equal to 35 feet in overall length and up to ten feet in height shall maintain a side and rear yard setback of no less than five feet;
 - (2) Recreational vehicles greater than 24 feet but less than or equal to 35 feet in overall length and greater than ten feet up to 14 feet in height shall maintain a side and rear yard setback of no less than ten feet;
 - (3) Recreational vehicles greater than 35 feet but less than or equal to 40 feet in overall length and up to ten feet in height shall maintain a side and rear yard setback of no less than ten feet;
 - (4) Recreational vehicles greater than 35 feet but less than or equal to 40 feet in overall length and greater than ten feet up to 14 feet in height shall maintain a side and rear yard setback of no less than 20 feet.
- (c) *Storage and Repair of Vehicles.*
- (1) The repair, restoration and maintenance of vehicles in any Residential District, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 48 hours. All such repair shall take place on private property and may not be conducted within the public right-of-way.
 - (2) It shall be unlawful for the owner, tenant or lessee of any building or lands within the City to permit the open storage or parking of any inoperable motor vehicle, machinery or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle for purposes of this subsection shall include motor vehicles which, by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of the inability to comply with the State Motor Vehicles and Traffic Code, or do not have a current license and registration, as required for operation by the State Motor Vehicles and Traffic Code.
 - (3) It shall be unlawful for the owner, tenant or lessee of any lot or building in a Residential District to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes or

any other similar equipment or machinery, unless parked for purposes of construction being conducted on that lot.

155.094 Uses

(a) Accessory Buildings and Structures.

- (1) Accessory buildings or garages shall be considered to be part of the principal building and subject to all setback requirements of the principal building, if structurally and architecturally integrated into the building or if attached by an enclosed breezeway or similar enclosed structure not greater than ~~ten~~ *three* feet in length. Detached accessory buildings shall be located at least ~~ten~~ *three* feet from any principal building.
- (2) Accessory buildings and structures shall not be erected in any front yard.
- (3) Accessory buildings and structures may be erected in a rear yard if set back at least ten feet from the rear and five feet from the side property lines. In any case, accessory buildings and structures shall not occupy more than 30 percent of the required rear yard.
- (4) An accessory building or structure designed for and containing a vehicle entrance to be accessed from an existing publicly dedicated and commonly used alley may be located on the rear lot line, if parking space plans have been approved by the zoning administrator.
- (5) The height of an accessory structure shall not exceed eighteen feet when a hip or gable roof is used, fifteen feet when a mansard or gambrel roof is used and twelve feet when a flat or shed roof is used, except when a dwelling unit is included in the structure, in which case the height shall not exceed twenty-four feet.
- (6) Accessory structures shall not exceed 50 percent of the principal building floor area or 750 square feet, whichever is less.
- (7) An accessory building or accessory structure shall not be constructed or occupied on a lot before the principal building or use on the lot is constructed.
- (8) Accessory buildings and structures in planned unit developments shall be subject to the same requirements as in the Residential Districts.
- (9) Accessory structures located in a designated flood hazard area shall comply with the additional provisions set forth in *Chapter 155.19*.
- (10) Buildings and structures accessory to non-residential uses shall meet the minimum setback requirements and height limitations for principal buildings in the respective zoning district.
- (11) Accessory structures and buildings shall share all public utilities (water/sewer/electric) with the principal building. Accessory structures and buildings will not be separately metered.

(b) *Essential Services.* The installation and maintenance of essential service equipment is exempt from this zoning code.

(c) *Illegal Dwellings.* The use of any basement for dwelling purposes is prohibited in any zoning district, unless the basement meets the appropriate City building codes. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes, except in conformance with the requirements of *Section 155.108(e)(1)* for accessory dwellings.

- (d) *Principal Use per Lot.* A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, approved mixed use developments, PUDs, or commercial or industrial buildings determined by the Planning Commission to be a principal use collectively, based on meeting all of the following criteria:
- (1) individual buildings share common parking areas, signs, access and similar features;
 - (2) buildings are under single ownership;
 - (3) individual activities support one another (such as auto sales/vehicle repair or gas station/restaurant/convenience store); or
 - (4) buildings are architecturally unified and compatible.
- (e) *Prohibited Uses.* Uses not specifically permitted by right or conditional approval by this zoning code shall be prohibited.
- (f) *Uses in Conformance.* No building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the provisions of this code.
- (g) *Uses on a Lot.* Every building, structure or use erected or established within the City shall be located on a legally recorded lot or parcel and shall conform to all applicable requirements of this code.
- (h) *Unique domestic animals.* Unique domestic animals such as chickens and similar fowl, potbelly pigs, small ponies and similar nontraditional pets are reasonable accessories in Residence Districts and a Conditional Use in the E zoning district. It is the purpose and intent of this section to allow unique domestic animals while preserving and protecting the residential character of Residence Districts. It is also the intent of this section to distinguish ownership of unique domestic pets from otherwise permitted agricultural uses. Unique domestic animals in Residence Districts shall comply with the following standards:
- (1) No more than 12 chickens or similar fowl on any residential lot of one-half acre or less with shelter setbacks at three feet minimum from rear and side lot lines;
 - (2) No more than 24 chickens or similar fowl on any residential lot of greater than one-half acre up to and including one acre with shelter setbacks at ten feet minimum from rear and side lot lines;
 - (3) Any residential lot greater than one acre may increase the number of chickens or similar fowl by 12 for each half acre (1 to 1.5 acre equals 36; greater than 1.5 to 2 acres equals 48, and the like) with shelter setbacks at 15 feet minimum from rear and side lot lines;
 - (4) Roosters as defined by the American Poultry Association shall not be permitted in any residential zoned district of less than two acres. No more than one rooster is permitted on any residential zoned district of two acres or more;
 - (5) Other unique domestic animals as defined, to include potbelly pigs, pigmy goats, llamas, alpacas, small ponies and similar shall be limited to no more than two on any residential lot one acre or more in area, and one additional unique domestic animal may be permitted on any residential lot over two acres, with shelter setbacks at ten feet minimum from rear and side lot lines. Planning Commission may grant Conditional Use approval in accordance with *Chapter 155.10* for additional unique

- domestic animals on a case by case basis;
- (6) Chickens, similar fowl, and other unique domestic animals shall be contained on premises by approved fencing or similar means of containment and not allowed to roam free on any neighboring property or public right-of-way.
 - (7) Coops and other structures accessory to this use shall be located in the rear yard and no closer than ten feet from side and rear property lines.
 - (8) An operating plan is presented to the City.
 - (9) The Planning Commission shall utilize these criteria in addition to the requirements of the *Chapter 155.10* for Conditional Use review in the E zoning district.

155.095 Other Provisions

- (a) *Control of Heat, Glare, Fumes, Noise, Odor, Dust and Vibration.* Every use shall be conducted and operated in a way that does not create a nuisance and is not dangerous by reason of heat, glare, fumes, odor, dust, noise or vibration beyond the lot on which it is located.
- (b) *Trash, Litter and Junk.* It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, litter or junk on premises in the City, except in a lawful sanitary landfill.
- (c) *Lighting.* All light fixtures shall be direct cut-off fixtures, designed to prevent light spill or trespass beyond the boundaries of the property where the fixture is located. Bead or string lighting is prohibited on or adjacent to building windows fronting the street in Commercial Districts.
- (d) *Stormwater.* When land is developed or redeveloped and/or the surface characteristics of the property change (increased impervious surfaces, site grading, etc.), these activities shall not result in additional stormwater runoff flowing to adjacent properties.
- (e) *Voting Place.* The provisions of this code shall not be construed in any manner that would interfere with the temporary use of any property as a voting place in connection with any public election conducted by a duly authorized Board of Elections.

Chapter 155.10 Conditional Use Requirements

155.101 Purpose

Conditional uses are uses of land specifically permitted within a zoning district only with the approval of City Council at the recommendation of the Planning Commission, following a review of the use and its potential impact on its surroundings. These uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the conditional use be evaluated relative to its appropriateness on a case-by-case basis. This chapter establishes the review procedure for conditional uses and the general standards that must be met for all conditional uses. In addition, more specific requirements are established for certain individual uses, as necessary, to mitigate their potential negative impacts.

155.102 Procedures

Applications for conditional uses shall be considered by the Planning Commission in accordance with the following procedures:

- (a) *Application.* An application for conditional use approval shall be made to the Planning Commission in writing, on a form for that purpose, and shall be filed with the zoning administrator at least twenty days before the next regularly scheduled meeting at which it is to be heard. The application must be accompanied by a fee, as established by the City Council, a site plan in accordance with the requirements of *Chapter 155.13* and such other material as the commission determines necessary.
- (b) *Public Notice.* When an application has been filed in proper form with the required data, the clerk of Council shall cause notice of the time, place and purpose of the hearing to be posted on the city's official digital media platform and be given, in writing by first class mail, to the applicant(s), to owners of property contiguous to and directly across the street from the property that is the subject of the conditional use application. The notice shall be given at least seven days in advance of the hearing, noting the request and the property location. The name and address of any property owner on the most recent property record of the Hamilton County Auditor shall be the address used for public notification. If the address is unclear or uncertain, the property owner may be notified by legal notice published one time via the city's official digital media platform at least seven days in advance of any hearing, listing the address of the property to receive notification.
- (c) *Sign.* At least ten days prior to the scheduled public hearing, a temporary sign six square feet in area shall be posted on the property subject to a conditional use request by the applicant. The sign shall be removed within three days following the public hearing at which the request was heard. The sign shall contain the following information:
 - (1) The specific request being made,
 - (2) Date of the public hearing,
 - (3) Location of the public hearing, and
 - (4) Location where additional information may be obtained regarding the request
- (d) *Representation.* The applicant shall appear at the public hearing in person or by agent. If the applicant or authorized representative is not present, no action shall be taken by the Planning Commission on that application.

- (e) *Record of Proceedings.* The Planning Commission shall keep minutes of its proceedings showing the action of the commission and the vote of each member or, if absent or failing to vote, indicating such fact. The commission shall act by resolution.
- (f) *Required Vote.* The concurring vote of three Planning Commission members shall be necessary to approve a conditional use application.
- (g) *Review Criteria.* The Planning Commission shall review the application in relation to the general standards of this chapter for conditional uses, as provided in *Section 155.103*, and any specific standards required for the use proposed, as identified in this chapter. The Planning Commission may refer a conditional use in the CBD zoning district to the Architectural Review Board.

155.103 General Standards

Any request for a conditional use shall only be approved upon a finding that each of the following general standards is satisfied, in addition to any applicable requirements pertaining to the specific use:

- (a) The proposed use will be consistent with the intent and purposes of this zoning code and the vision, goals and recommendations of the Mt. Healthy Comprehensive Plan and *the Healthy Hilltops Plan*.
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.
- (c) The proposed use will be compatible with the character of the general vicinity.
- (d) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the City, state or other agencies to applicable specifications. Dedication of said public infrastructure may be required.
- (e) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.
- (f) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (g) The proposed use will not block sight lines from the right of way to existing signs or windows on the front or side of a building.

155.104 Conditions of Approval Recommendation

Reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

- (a) Insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
- (b) Insure that the use is compatible with adjacent conforming land uses and activities.
- (c) Protect natural resources; the health, safety, and welfare; and the social and economic well being of those who will use the land use or activity under consideration; residents, business owners and landowners immediately adjacent to the proposed use or activity; and the community as a whole.
- (d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.

155.105 Expiration

Approval of a conditional use shall expire 12 months after it is granted, unless construction is complete or commencement of the use has begun. The Planning Commission may, upon written request by the applicant, extend the term of the conditional use approval by one additional period of up to 12 months upon a finding that there have been no changed conditions in the area which would require reconsideration of the conditional use application or site plan. A request for an extension of the initial permit period shall be submitted in writing to the zoning administrator prior to the expiration of the initial approval.

155.106 Revocation

If a violation of any of the conditions or standards imposed on a conditional land use is found to exist, the zoning administrator shall notify the owner of the premises, the Planning Commission and the City manager that a violation exists and that the permit will be revoked within 15 days of notification. If the violation is not corrected within 15 days, the City manager shall revoke the permit. Furthermore, the violation shall be declared by the City manager to be a violation of the zoning code, subject to all of the remedies and penalties provided for in this code.

155.107 Performance Guarantees

To assure compliance with this code and any conditions of approval, performance guarantees may be required by the Planning Commission, as authorized by *Section 155.144*.

155.108 Specific Requirements

In addition to the general standards of *Section 155.103* applicable to all conditional uses, additional requirements may be applicable to specific conditional uses and shall be satisfied in order to obtain approval. Conditional uses for which added requirements apply are:

(a) *Commercial.*

(1) Drive-through Businesses, Excluding Restaurants.

- A. The drive up or drive through facility must be attached to a building; except that an automated teller machine may be in a stand-alone structure with a canopy or similar roof to protect users from the elements.
- B. The facility shall be screened from any adjacent residential district or use and lighting shall be limited and fully shielded to prevent glare and light trespass.
- C. Drive-through and stacking lanes and parking lot access shall be clearly identified and delineated.
- D. A drive-through shall have an escape lane to allow a vehicle to pass those waiting to be served.
- E. All drive-through service windows shall be located on the side or rear of the building to minimize visibility from any abutting street.
- F. Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to minimize associated noise impacts.
- G. At least three stacking spaces shall be provided per each drive through lane.

(2) Mortuaries and Funeral Homes.

- A. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
- B. Minimum lot area shall be one acre and minimum lot width shall be 150 feet.
- C. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- D. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or other driveway.

(3) Retail of 10,000 Square Feet or More.

- A. The building and site design shall be compatible with and complementary to the established character of the district with respect to scale, height, bulk, setbacks, building materials and pedestrian and bicycle transportation amenities.
- B. Off-street parking areas shall be designed to minimize their visibility and obtrusiveness from the adjacent street(s).
- C. No new driveways or other means of vehicular access shall be permitted on Hamilton Avenue between Hastings and Stevens Streets.

(b) *Industrial.*

(1) Chemical Manufacturing and Storage.

- A. As part of the conditional use application, the applicant shall provide documentation, reports, studies and other materials required by the City specifying the materials to be handled, safety measures, existing soil conditions, methods of protecting groundwater and all other information required by the City in the course of reviewing the proposed use and its location.

- B. The facility shall at all times operate according to all applicable local, Hamilton County, State of Ohio and federal regulations.
- C. Adequate safety measures shall be implemented and in use at all times.
- D. There shall be no storage of hazardous materials outdoors, except in tanks or containers designed for that purpose that are inaccessible to anyone not authorized to process or handle such materials, and that meet all applicable safety regulations.
- E. The applicant shall provide a disaster mitigation plan and fire pre-plan, approved by the appropriate authorities, as part of the application for a conditional use.
- F. Truck routes to and from the facility shall be subject to approval.

(2) Conditional Uses in the G Zoning District.

- A. No zoning certificates shall be issued for any conditional use in this unless a development plan is approved by the Planning Commission. The plan shall include the following detailed specifications:
 - (1) Building location, circulation and parking, lighting, storm water drainage and detention, sediment control, public utilities, and other such information as required to conduct a plan review.
 - (2) The best practical means known for the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, vibration or similar nuisance shall be employed.
 - (3) The Planning Commission may make reasonable additional requirements as to landscaping, lighting, signing, screening, access-ways, building setbacks and pollution controls to project adjacent property.
 - (4) If regulated by other specifications of *Section 155.108*, those requirements shall also apply.

(c) *Public/Quasi-Public.*

(1) Churches, Places of Worship, Schools (elementary, middle and high).

- A. The use shall have frontage on and direct access to an arterial or collector street. Secondary access to a local street may be permitted if the applicant provides evidence satisfactory to the Planning Commission that the added traffic will not have a negative impact on the surrounding neighborhood.
- B. All outdoor activity, parking areas and recreational space shall be screened from adjacent property in any residential district.
- C. Exterior lighting shall be ninety-degree style cut-off fixtures, directed away from adjacent property and the public right-of-way.
- D. Parking areas shall not be located within the required front setback area and the building setback shall be consistent with the established average setback of adjacent properties, as provided in *Section 155.092(a)*.
- E. In the CBD zoning district:
 - (1) Purpose and intent. Consistent with the vision and goals of the Comprehensive Plan, limited conditional use approval of churches and similar places of religious assembly would provide places of destination and offer complementary uses to the "CBD" District. Consideration should

be given to the "CBD" District as a whole, and approvals should be proportioned to allow a larger percentage of commercial uses overall. (2) Development standards. Development in the "CBD" District shall be consistent with *Chapter 155.03*, Purpose and Intent with guidance as needed from the Comprehensive Plan. The following standards and criteria shall be considered as part of the approval process:

(a) Front, side, and rear yard setbacks for building and parking shall comply with the regulations established in *Section 155.033*

(b) Height and Coverage (density) shall comply with the regulations established in *Section 155.033*

(c) Conditional use approvals for churches and similar places of religious assembly shall not exceed 7% of total land area in the District, either for single or multiple sites. Once approvals are granted that total 7% of total land area in the District, no more approvals for churches and similar places of religious assembly shall be granted. The "CBD" District contains approximately 28 acres. 7% equals approximately two acres.

(d) *Recreation/Food/Entertainment.*

(1) Mobile Vending (Food Trucks).

- A. Permit. Application for a Mobile Vending permit shall be made to the zoning administrator, together with payment of such fee as may be established by City Council.
- B. Mobile Vending shall be tied to an event and shall not operate longer than 90 days over the course of the calendar year unless a Conditional Use approval is granted. If the zoning administrator determines that any Mobile Vending is operating on site in violation of this section the zoning administrator shall refer the matter to the Planning Commission for a conditional use hearing in accordance with the procedures of this chapter.
- C. Food trucks may be permitted to operate within the CBD, E and F zoning districts.
- D. The food truck shall be located only within an approved off-street parking lot; provided, the food truck shall not displace any required parking spaces.
- E. The food truck shall not be located closer than ten feet to any driveway.
- F. Outdoor seating may be permitted; provided, written permission is obtained from the property owner and the seating area does not displace any required parking spaces.
- G. Amplified sound and freestanding signs shall not be permitted.
- H. The food truck shall be stationary at all times when open for business.
- I. The owner or an employee shall be present within the vehicle at all times while open for business.
- J. Access to restroom facilities must be available.
- K. The owner or operator of the food truck shall provide trash receptacles, other than public receptacles.
- L. All equipment, other than outdoor seating, shall be inside, attached to or within three feet of the food truck.
- M. Evidence of Hamilton County health department approval shall be provided.
- N. Disposal of wastewater shall be into the sanitary sewer system. The use of

storm drains or any other form of discharge is prohibited.

- O. The conditional use approval shall be reviewed annually by the City manager to ensure compliance with all standards of this section and any other conditions that may have been imposed upon the original approval.

(2) Internet Sweepstakes Café.

- A. A license shall be obtained in accordance with City ordinance 2011-12.
- B. An internet sweepstakes café shall be located no closer than 500 feet from any school, church, public park, library or other internet sweepstakes café, as measured from nearest property line to nearest property line.
- C. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.

(3) Outdoor Commercial Recreation.

- A. The front, side and rear yard minimum setbacks shall be 50 feet for all buildings and outdoor components of the recreational facility.
- B. The parking setback shall be 20 feet from lot lines in the front, side and rear yards in non-residential zoning districts and 50 feet from lot lines in residential districts.
- C. Building design and materials shall be compatible with the existing or intended character of the surrounding area.
- D. An operations plan describing the nature of the use, hours of operation, etc. shall be provided.
- E. The Planning Commission may also establish conditions to minimize negative impacts on nearby uses and traffic operations along public streets, such as, but not limited to hours of operation, noise buffering and location of waste receptacles.

(4) Restaurants, Drive-through.

- A. Sufficient vehicular stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.
- B. A minimum of two parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- C. Public access to the site shall be located at least 100 feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the access.
- D. Internal circulation and access to egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
- E. Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to minimize associated noise impacts. Noise levels must comply with the City noise ordinance (*Chapter 132.4*).

(5) Sexually Oriented Business.

A. Sexually Oriented Businesses should comply with *Chapter 119* of the City of Mt. Healthy Code of Ordinances in addition to the following regulations:

- 1.) The proposed use shall not be closer than 1,000 feet from a residential district or public use such as a school or church.
- 2.) All activity shall be totally enclosed
- 3.) Signage for the proposed use shall not contain any adult messages or images

(6) Offices in D Zoning Districts.

A. Purpose and intent. Offices, as restricted in *Section 155.092(d)* may be allowed by conditional use permit in the "D" Multi-Family District where such use is not prohibited or restricted by conditions adopted by ordinance or specific developments. The intent is to allow businesses with minimal pedestrian or vehicular traffic and those which otherwise have low impact on nearby residential uses.

B. Development standards. The city shall not approve requests for a conditional use permit for offices that do not substantially meet the following development standards:

- 1.) Developments shall be located on streets having a significant amount of through traffic or on a corner lot.
- 2.) Developments shall be in close proximity to, or affected by, an existing or imminent commercial, office or non-profit facility, including churches and schools, or adjacent to multiple family residential buildings having more than three dwelling units.
- 3.) Developments shall preserve the architecture of existing buildings where practical and appropriate and shall in all cases have a residential appearance.
- 4.) The development shall not have an adverse impact, either by size or location, on single-family residential districts in the immediate vicinity.
- 5.) The conduct of business shall cease from 10:00 p.m. to 7:00 a.m. and all lighting including sign lighting shall cease during the same time period, except that minimal security lighting may be provided.
- 6.) Lighting shall be down-directed and shall not extend into any adjacent residential property.
- 7.) Parking shall be provided as required by *Chapter 155.11* of this chapter. Parking in the required front yard area shall be limited to a maximum of one parking space, with the balance of the required parking spaces confined to the rear and side yards or in approved off-site locations.
- 8.) No drive-up windows shall be permitted.

C. Office restrictions. Offices that may be permitted by conditional use permit in the "D" Multi-Family District shall be restricted to include only:

- 1.) Those businesses where no product is stored or available for sale, rent, returned for service or exchange on the premises, except where sale, rent or exchange of such product constitutes less than 5% of gross revenue for the business. The sale of produce delivered from or picked up

at other locations is permitted.

2.) Services shall not include the production or repair of any goods or products on-site except as an incidental use to a permitted business, and such repair or production shall not exceed 5% of gross revenue.

3.) There shall be no service performed upon the client except those related to a state regulated medical or counseling profession.

4.) All conduct of business, goods, and equipment shall be within a completely enclosed building, and there shall be no emission of noxious odor, vibration or nuisances caused by the conduct of such business.

5.) Conditionally permitted office uses shall include, but not limited to: architect, dentist, doctor, engineer, insurance agent, lawyer, minister of religion, and real estate agent or broker.

6.) The following uses are specifically prohibited: barber shops, beauty shops, banks, mortgage companies, and financial institutions.

(e) *Residential.*

(1) Accessory Dwelling Units.

- A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
- B. The accessory dwelling unit shall share all public utilities (water/sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.
- C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
- D. The accessory dwelling unit shall be limited in size to a maximum of 50 percent of the total living area of the principal dwelling or 750 square feet, whichever is less.
- E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven, stove and sink) and may contain no more than one bedroom.
- F. No more than two adults shall occupy the accessory dwelling unit.
- G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

(2) Bed and Breakfasts.

- A. A bed and breakfast shall not provide more than six guest rooms plus a common area for use by all guests.
- B. A bed and breakfast establishment shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.
- C. The bed and breakfast shall be the principal residence of the owner or manager, who shall reside there when the bed and breakfast is in operation.
- D. Meals shall be limited to breakfast and evening snack, and shall be served only to guests of the facility and members and guests of the owner's family.

- E. There shall be at least one off-street parking space provided for each guest room, in addition to the parking spaces required to serve the principal residence.
- F. One sign, not exceeding four square feet, shall be allowed for identification purposes only and shall either be mounted on the front wall of the dwelling or placed within the front yard no closer than 10 feet to the front lot line. Sign lighting shall be indirect and shielded from view off site. Internally lighted signs are not permitted.
- G. Cooking facilities shall not be permitted in bed and breakfast guest rooms.
- H. Exterior refuse storage facilities shall be screened from view on all sides by a six foot solid decorative fence, wall, vegetation or similar visual barrier.
- I. In addition to the site plan required by this chapter, a floor plan of the dwelling unit and the use of each room shall be submitted with the conditional use application.

(3) Boarding Houses.

- A. The boarding house shall front on and have direct access to an arterial or collector street.
- B. A maximum of ten guest rooms may be permitted.
- C. Off-street parking shall be provided at a ratio of one space per guest room. The parking area shall be located in the rear yard and screened from adjoining properties.
- D. One sign, not exceeding four square feet, shall be allowed for identification purposes only and shall either be mounted on the front wall of the dwelling or placed within the front yard no closer than 10 feet to the front lot line. Sign lighting shall be indirect and shielded from view off site. Internally lighted signs are not permitted.

(4) Home Occupation.

- A. Permit. Application for a home occupation permit shall be made to the zoning administrator, together with payment of such fee as may be established by City Council. The requirement for a permit shall be waived if all of the following conditions apply to the home occupation: the proposed home occupation will not employ any persons other than residents of the dwelling; the home occupation is such that it will not significantly generate customers, clients or visitors to the home; there will be no sign on the property identifying the home occupation and all other provisions of this section shall be met.
- B. If the zoning administrator cannot determine if the home occupation conditional use requirements are met, in his or her sole discretion the zoning administrator may refer the matter to the Planning Commission for a conditional use hearing in accordance with the procedures of this chapter.
- C. The use shall be conducted entirely within the dwelling, with the following exception(s):
 - 1. The use may be conducted entirely within a garage or accessory building unattached to the dwelling in property zoned A or B as long as the use is not prohibited in a Planned Unit Development, recorded deed restrictions or other similar applicable recorded restrictions upon

- the parcel.
2. Any dwelling, garage or accessory building used in the home occupation shall comply with all other applicable City ordinances and requirements and shall not be nonconforming with respect to lot, width and dimensional requirements.
- D. The use shall be carried on only by the residents of the dwelling and not more than one other person or multiple employees that constitute a full-time equivalent.
 - E. The use of the dwelling for a home occupation must be clearly accessory, incidental and subordinate to the permitted principal residential use, and shall not utilize more than 25 percent of the usable floor area of the principal dwelling or its equivalent if conducted within an accessory building, or 250 square feet¹¹, whichever is less.
 - F. The appearance of the dwelling shall not be altered, nor shall the occupation within the dwelling be conducted in any manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds, vibrations or light that carry beyond the premises.
 - G. No outdoor storage, activities or displays shall be permitted.
 - H. No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
 - I. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. The use shall not create a nuisance for the public and any surrounding property.
 - J. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district. Vehicles used in the home occupation or making deliveries shall be no larger than utility vehicles commonly used for noncommercial purposes, i.e, pick-up trucks, vans, panel trucks and the like and parcel package delivery trucks.
 - K. The home occupation shall not entail more than eight client visits per day or forty per week. The operator of the home occupation is responsible for maintaining a log of such visits.
 - L. Retail sales of items in connection with a home occupation that are produced or processed on or off the premises, which are accessory to the main residential use, which shall only be conducted wholly within enclosed buildings, and which sales and/or storage does not occupy more than 25% of a detached accessory building.
 - M. Parking of motor vehicles shall be limited to one vehicle used for the home occupation per parcel. Parking generated by the conduct of the home

¹¹ For building code purposes, the Residential Code of Ohio limits usable floor area for a commercial purpose to ten percent.

occupation shall be provided for on the lot's driveway, which shall meet the minimum size requirements for off-street parking set forth in *Chapter 155.11*. Parking of motor vehicles generated by the home occupation are not allowed on the street or on any unpaved area of the lot.

- N. In the event any of the above conditions or other conditions required by the Planning Commission are not met, the revocation process as set forth in *Section 155.106* shall take place.

(5) Group Care Homes.

- A. Purpose and intent. It is the purpose of this section of this chapter to regulate the location, operation, and maintenance of group care homes in order to promote the public health, safety and welfare. It is the intent of this section to provide for the assimilation of group care homes in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.
- B. Development standards. No group care home shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of this chapter, except as provided in division C. herein. In addition to said provisions, group care homes shall comply with the following development standards:
1. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state or local agency;
 2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
 3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume;
 4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
 5. No such facility may be located within a 1200 foot radius of another such facility;
 6. No signs shall be erected by such facility for purposes of identification except a permitted street address sign;
 7. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
 8. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
 9. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.
 10. The minimum lot area shall be 15,000 square feet.
 11. A conditional use shall be granted for a specific type of group home. The type of home shall be defined as the specific nature of the condition being treated or rehabilitated. Any change in the type of

home shall require a new conditional use.

- C. Exception Category I. Group care homes, Category I, as defined in this chapter with five or less residents shall be allowed as a permitted use in the "D", "H", "E", "E-1", "F" and "G" Districts when the Planning Commission determines the applicant, upon submittal of documentation, meets the development standards as described above in division B.
- D. Zoning of group care homes Category I and II. Group care homes as defined in this chapter shall be permitted as follows:

Table 155.10a Zoning District	Category I			Category II		
	5 or less	6 to 10	11 or more, not to exceed 15	5 or less	6 to 10	11 or more, not to exceed 15
A,B,C	C	C	-	P	C	C
D, H	P	C	C	C	-	P
E, CBD, OB	P	C	C	P	C	C
F, G	C	C	C	C	C	C

All counts do not including resident administrators

Definition. "Group Care Home" shall mean any community residential facility which provides residential care and rehabilitative or habilitative services.

There are two categories of group care homes:

1. Group care homes, Category I. Any state, federal or locally approved dwelling or place used as a foster home for children or adults or as a home for the care or rehabilitation of dependent or pre-delinquent children, the physically ill or infirm, abused or battered children, or adults, the physically handicapped or disabled, those with developmental disabilities, or similar groups whose residents do not require constant supervision or treatment. "Group Care Homes, Category I," is designed to provide living accommodations as a primary use, where medical or psychiatric care is provided therein no more than on an occasional basis. The term does not include a nursing home, boarding home, or Group Care Home, Category II.
2. Group care home, Category II. Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional and psychiatric institutions; and residential rehabilitation centers for alcohol and drug users. Detoxification shall be expressly prohibited in residential rehabilitation centers.

(6) Short-Term Rentals.

- A. Permit. Upon approval of the conditional use, the owner shall submit to

the zoning administrator the name and emergency contact information for the owner or property manager who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the short-term rental property or tenants.

- B. Location. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood.
- C. Maximum Occupancy. The maximum number of tenants permitted shall be determined by applicable health department requirements.
- D. Storage. The location shall not be rented for the purposes of storage.

(7) Townhomes.

- A. Provided they are compatible in size and scale with the character of the area or neighborhood.
- B. All single-family residential attached dwellings shall not exceed three stories and thirty-five feet in height, shall not exceed a density of 14 dwelling units per net acre, and shall comply with all other requirements of this zone.
- C. A development plan, as regulated by *Chapter 155.13* of this Ordinance, shall be required. Each residence shall be on a separately deeded lot not less than 2,500 square feet for interior units, and 3,500 square feet for end units. Interior units may have "zero" side yard setbacks. Exterior units shall comply with the required side yard setbacks contained in this section. No more than two interior adjacent units may be located in each grouping. The minimum lot width for interior single-family residential attached units shall be twenty-five (25) feet.

(8) Group Day Care.

- A. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood.
 - i. Shall be located on an arterial or collector street.
 - ii. A traffic circulation plan shall be submitted for review by the Planning Commission
 - iii. Parking shall be required in compliance with *Chapter 155.11*.
- B. The Planning Commission shall also consider the hours of operation and capacity of the proposed use.
- C. The site shall have adequate fencing and protected access as determined by the City.
- D. The applicant must present state certification to the Planning Commission at the time of application.

(f) *Storage and Distribution.*

(1) Cartage, Express and Parcel Delivery Facilities, Freight Terminals, Warehousing and Storage.

- A. The site shall have a minimum area of ten acres, provided the Planning Commission, may reduce the site area to no less than five acres where it is demonstrated to its satisfaction that the truck terminal operation will be compatible with other surrounding uses.
- B. All ingress and egress from the site shall be directly onto an arterial street.
- C. The site shall be designed so all vehicles are able to enter and leave the site without having to back-out onto the street. Driveways shall be curbed for their full length in the front yard.
- D. The Planning Commission shall determine that traffic will be no more hazardous nor the volume of traffic any greater than the capacity for the street involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of intersections. All access to the site shall be from arterial streets built to a standard to accommodate heavy trucks.

(2) Mini-Warehouse and Self-Storage Facilities.

- A. The minimum size of the site shall be not less than two acres.
- B. All ingress and egress from the site shall be directly onto an arterial or collector street.
- C. No storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire prevention code, or toxic materials, shall be permitted within the self-storage buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted.
- D. The use of the premises shall be limited to storage of personal items and business items and shall not be used for operating any other business, maintaining or repairing vehicles or for any recreational activity or hobby.
- E. Limited retail sales of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted.
- F. All yards abutting a street shall be screened from view in accordance with the requirements of *Section 155.142(b)*.
- G. A security manager may be permitted to reside on the premises. A minimum of two parking spaces shall be provided for the dwelling unit.

(g) *Utility.*

(1) Wireless Communication Facilities.

- A. Required Approvals. The placement of wireless communications facilities and towers shall meet the following approval requirements:

- 1.) Installation of New Antenna. The installation of new antenna(s) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the zoning administrator subject to all requirements of this section. Any new antenna that will add either ten percent or 20 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this chapter for the installation of new towers as described below.

2.) Installation of New Accessory Structures. The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the zoning administrator.

B. Removal. Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his/her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the zoning administrator, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.

C. Interference with Public Safety Facilities. No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.

D. Required Documentation for all Facilities. In addition to the requirements provided in this chapter for the receipt of conditional use approval, applications for new towers, new antenna, and new related facilities shall include the following: Where the equipment is mounted on an existing building, the comparable information for that structure shall be provided.

1.) Engineer's Report. A report from a professional engineer licensed in the State of Ohio that:

- a. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation;
- b. Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antennae it can accommodate;
- c. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces: ice, wind, earth movements, etc.);
- d. Certifies that the facility will not interfere with established public safety telecommunication facilities; and
- e. Includes the engineer's seal and registration number.

2.) Letter of Intent. A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.

3.) Proof of Compliance. Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other appropriate state and federal agencies.

4.) Removal Affidavit. A letter committing all parties, including the property owner and his/her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the

tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in Hamilton County, with a copy of the recorded affidavit provided to the zoning administrator.

- E. Determination of New Tower Need. Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Ohio that the antenna(s) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two mile radius of the proposed tower location due to one or more of the following reasons:
- 1.) Existing Public Site. There are no existing publicly owned towers or sites suitable to accommodate the proposed tower or antennas.
 - 2.) Inadequate Structural Capacity. The antenna(s) would exceed the structural capacity of an existing or approved tower or other structure.
 - 3.) Interference. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.
 - 4.) Inadequate Height. The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.
 - 5.) Land Availability. Additional land area is not available (when necessary).

- F. Design Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following design requirements:
- 1.) Lighting. Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other federal or state authority. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded down lighting).
 - 2.) Co-Location. All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.
 - a. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
 - b. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.
 - 3.) Height. All towers and antenna shall conform to FAA tall structure requirements. The maximum height of accessory structures shall be 15 feet.

Exceptions:

 - a. In Zone E, tower and antenna shall not exceed 45 feet.
 - 4.) Signs. Signs for all telecommunications facilities shall be permitted up to a total of four square feet per user and mounted on the fence.

- G. Site Requirements for new Towers and Related Facilities. All telecommunications facilities shall meet the following site requirements:

1. Vehicular Access. Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements.
2. Site Area. The lot (or lease area) where the tower is located shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities.
 - a. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.
 - b. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property so it is no closer to any lot line than one-half (1/2) the tower height.
 - c. All tower supporting and stabilizing wires shall be located within the site area.
 - d. Antennae under 20 feet in height shall not be located along public streets unless it is determined by the Planning Commission that such antennae cannot be located in a public alley.
3. Setback. The required setbacks for the tower and related facilities shall be as follows:
 - a. Side and Rear Setback. The minimum side and rear setback for all facilities, including the security fence, shall be 25 feet.
 - b. Front Setback. The minimum front setback for all facilities shall be as specified by this code for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in the required front setback.
 - c. Additional Setback from Residential Districts. No facility shall be placed closer than one and one-half times the total height of the tower or 200 feet, whichever is greater, to any property included in a residential district.
 - d. Additional Landscaping. Landscape screening, in addition to the requirements of this chapter, may be provided in the setback area.
4. Encroachment. No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, sidewalk, or property line.
5. Fencing. An eight foot high security fence shall completely surround the tower and accessory equipment building site. Any deterrents, such as barbed wire, shall be at least eight feet above grade.
 - a. An area ten feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in

subsection H, below.

- b. In the Residential Districts, the required security fence enclosing the facility shall be 100 percent opaque and of wood, brick, or stone construction. Opaque, eight foot tall gates shall be provided for access. In no instance shall the use of chain link fencing or gates with screening inserts be considered as opaque.

H. Landscape Screening. Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all wireless communications facilities. The landscape plan for the site shall provide plants in a number and design to provide a screen of the fence, all equipment and the base of the tower, as determined by the Planning Commission.

- 1.) If evergreen shrubs are used they shall be planted a maximum of five feet apart on center.
- 2.) If evergreen trees are used they shall be planted a maximum of ten feet apart on center.

(h) *Vehicle and Transportation.*

(1) New and Used Vehicle Sales.

- A. The minimum lot size shall be one-half acre with a minimum lot width of 200 feet.
- B. Signs shall conform to the requirements of *Chapter 155.12*. Flags, pennants, balloons, ribbons, or other attention getting devices are not permitted.
- C. Temporary or portable structures are not permitted.
- D. Outdoor display.
 - 1. Vehicles, for sale or otherwise, shall be parked on approved hard surfaces.
 - 2. Vehicle display areas shall meet the setback requirements for parking areas as required in the E District.
 - 3. Vehicle display or storage shall not be allowed in areas required for visitor, employee or service parking, as required by *Chapter 155.11*.
 - 4. All other merchandise available for sale, including, but not limited to, clothing, accessories, collectibles etc. shall be sold and displayed within an enclosed building.
- E. All service work, including car washing, repair and general maintenance, shall be conducted entirely within an enclosed building.
- F. Audible paging systems or outdoor speakers are not permitted.
- G. The use of spotlights or similar equipment is prohibited.

(2) Vehicle Repair, Major.

- A. All main and accessory structures shall be set back a minimum of 75 feet from any residential district.
- B. There shall be a minimum lot frontage of 100 feet or the zoning district requirement, whichever is greater, on an arterial or collector street; and all access to the property shall be from that street.

- C. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.
- D. A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
- E. Overhead doors shall not face a public street or residential district. The Planning Commission may modify this requirement upon a determination that there is no reasonable alternative and the poor visual impact will be diminished through use of building materials, architectural features and landscaping.
- F. All maintenance and repair work shall be conducted completely within an enclosed building.
- G. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
- H. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to 30 days in a designated area. Such area shall be screened from public rights-of-way by a solid, sight-obscuring fence or wall six feet in height.
- I. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department.

(3) Vehicle Repair, Minor.

- A. A building or structure shall be located at least 40 feet from any side or rear lot line abutting a residential district.
- B. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.
- C. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.
- D. All activities shall occur inside a building. No vehicle may be stored outside on the property for more than five days.
- E. Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted.
- F. Floor drains shall not connect to the sanitary sewer system.
- G. The minimum required lot frontage shall be on an arterial or collector street and all access to the property shall be from that street.
- H. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination

caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department.

- I. If the use includes fuel sales, the requirements for a vehicle service station shall also be met.

(4) Vehicle Service Stations.

- A. There shall be a minimum lot area of one acre and minimum lot width of 150 feet on an arterial street.
- B. Only one driveway shall be permitted from each street, unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.
- C. Pump islands shall be a minimum of 30 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.
- D. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. All signs, logos, or identifying paint scheme shall be in accordance with *Chapter 155.12*. The canopy shall not exceed 18 feet in height. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.
- E. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department.
- F. In the event that a service station use has been abandoned or terminated for a period of more than 12 months, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.
- G. A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurants; provided all requirements, including parking, are met for each use and the most restrictive requirements applicable to any single use shall apply.

(5) Vehicle Wash Facilities.

- A. All washing activities must occur inside a building.
- B. The building exit for washed vehicles must be at least 75 feet from the entrance drive that accesses the site.
- C. Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.
- D. Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers. All such water

shall be discharged only into the public sanitary sewer system.

- E. Only one driveway shall be permitted from any street, unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.
- F. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.
- G. For automated drive-through wash facilities, a by-pass lane is required that allows by-passing waiting vehicles.
- H. Overhead doors shall not face a street, except if approved by the Planning Commission in these circumstances:
 - 1. When the doors of a through-garage are located at the front and rear of a building; or
 - 2. When a garage is located on a corner or through lot; or
 - 3. When determined that a rear garage door would negatively affect an abutting residential use or district.
- I. A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 50 feet from a street right-of-way line and 100 feet from any residential district boundary.
- J. The property owner or operator must comply with all applicable noise regulations. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles, be in proper working condition and must also comply with this provision.

(6) Parking lots, subject to additional standards and restrictions as described herein.

A. *Purpose and intent.* Parking lots serving adjacent and nearby commercial or industrial uses may, in certain instances and when developed with the following development standards, allow a higher utilization of commercial and industrial districts without adversely affecting the permitted uses in the "D" District.

B. *Development standards.* Parking lots, including municipal parking lots, parking lots serving commercial or industrial establishments, or private parking lots, may be allowed by means of a conditional use permit when such parking lots substantially meet the following development standards:

- 1.) The use of parking lots shall be limited to the parking of cars, motorcycles, and small trucks.
- 2.) There shall be no storage or servicing of vehicles, merchandise, or equipment, whether or not enclosed, and there shall be no loading or off-loading of merchandise or equipment on such parking lots.
- 3.) All use of the parking lot shall cease between the hours of 10:00 p.m. and 7:00 a.m.
- 4.) All lighting shall be down-directed and shall not extend into any adjacent residential district. Such lighting shall cease between 10:00 p.m. and 7:00 a.m., except that minimal security lighting may be provided.

5.) Parking shall be provided as required by *Chapter 155.11* of this chapter.

6.) Parking structures shall meet the following standards:

a. Structures, whether above or below grade, shall meet the same front, rear, and side setbacks as is specified for a main building in the "D" District, except that the rear and side setbacks may, through the approval of the conditional use permit, be reduced to five feet where such setback adjoins an "E" District or less restrictive district.

b. The height of parking structures shall not exceed 15 feet above grade, except that parking structures may be increased to a maximum height of 30 feet above grade when the setbacks facing or abutting a residential district are increased one foot for each two feet of height above 15 feet.

c. All sides of the structure shall have architectural treatment, dense landscaping, or a combination thereof that sufficiently screens the structural members from view and shall be compatible with surrounding buildings.

d. Exit ramps from parking structures shall not exceed a 5% grade below horizontal for a distance of at least 20 feet from a sidewalk or street.

Chapter 155.11 Off-Street Parking and Loading

155.111 Purpose

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts; to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner; and to afford reasonable protection to adjacent land uses from light, noise, air pollution and other effects of parking areas.

155.112 General Requirements

- (a) *Applicability of Parking Requirements.* For all buildings and uses established after the effective date of this code, with the exception of *Section 155.112(d)*, new off-street parking shall not be required unless otherwise determined by the Planning Commission. If new parking, drive-thru stacking, or loading areas are created, they shall be provided by the standards of this chapter. The Planning Commission may choose to enact off-street parking requirements under these standards:
- (1) Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this chapter.
 - (2) If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, number of employees or other means, additional off-street parking shall be provided, as required by this chapter.
 - (3) Off-street parking facilities in existence on the effective date of this code shall not be reduced below the requirements of this chapter, nor shall nonconforming parking facilities that exist as of the effective date of this code be further reduced or made more nonconforming.
 - (4) An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this chapter.
- (b) *Location.* Off-street parking facilities required for all uses other than single and two-family dwellings shall be located on the lot or within 300 feet of the building(s) or use they are intended to serve, as measured along lines of public access from the nearest point of the parking facility to the building(s) or use served. Off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage. All residential driveways shall meet City engineering standards. In the B-1, Central Business District, parking facilities shall be located within 600 feet of the building or use to be served.
- (c) *Shared/Common Parking.*
- (1) Two or more buildings or uses may share a common parking facility, provided the number of parking spaces available equals the required number of spaces for all the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the Planning Commission where it can be determined that one or more of the factors listed in subsection (d) below apply.
 - (2) Parking facilities for a church or place of worship may be used to meet not more than 50 percent of the off-street parking for theaters, stadiums and other places of public assembly, stores, office buildings and industrial establishments lying within

600 feet of a church or place of worship, as measured along lines of public access; provided, the church or place of worship makes the spaces available and there is no conflict between times when the uses are in need of the parking facilities.

(d) *Handicap parking.* Handicapped parking spaces shall be provided according to Table 155.112.

Table 155.112: Handicap Parking Requirements	
Parking Spaces Provided	Handicapped Spaces Required
0-5	0
6-25	1
26-50	2
51-75	3
76-100	4
101-500	4 + 1 per 100 spaces over 100
501+	2% of total spaces provided + 1 handicap space for each 100 spaces over 1,000

Handicapped parking spaces shall be a minimum of 12 feet wide and 20 feet long, and shall be clearly designated by signs.

NOTE: § 155.112(d) shall affect only those uses not regulated by the Ohio Basic Building Code.

(e) *Modification of Parking Requirements.* The Planning Commission may reduce the parking space requirements of this chapter for any use, based upon a finding that other forms of travel are available and likely to be used and, in particular, the site design will incorporate both bicycle parking facilities and pedestrian connections. In addition, one or more of the following conditions shall also be met:

- (1) Shared parking by multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:
 - A. Pedestrian connections shall be maintained between the uses.
 - B. For separate lots, shared parking areas shall be adjacent to each other, with pedestrian and vehicular connections maintained between the lots.
 - C. Unless the multiple uses all are within a unified business center, office park or industrial park all under the same ownership, shared parking agreements shall be filed with the Clerk of Council after approval by the Planning Commission.
- (2) Convenient municipal off-street parking or on-street spaces are located adjacent to the subject property.
- (3) Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.
- (4) Where the applicant has provided a parking study, conducted by a qualified traffic

engineer, demonstrating that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.

- (5) The Planning Commission may require a parking study to document that any one or more of the criteria (1) through (4) above would be met.

(f) *Deferred Parking.*

- (1) Where a reduction in the number of parking spaces is not warranted, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the Planning Commission may defer some of the required parking. A site plan shall designate portions of the site for future construction of the required parking spaces, meeting the design and dimensional requirements of this chapter. Any area so designated shall be maintained in a landscaped appearance and not occupy required buffers, greenbelts or parking lot setbacks, or be used for any other purpose. Landscaping, such as parking lot trees, that would otherwise be required for the deferred spaces shall be installed within the deferred parking area.
- (2) The deferred parking shall meet the requirements of this chapter, if constructed. Construction of the additional parking spaces within the deferred parking area may be initiated by the owner or required by the City, based on parking needs or observation, and shall require approval of an amended site plan.

(g) *Temporary Parking.* It is recognized that there may be special events or situations that occur infrequently which would result in a temporary reduction in the availability of required parking spaces or create a need for temporary off-site parking. Such events could include outdoor vehicle sales, festivals, fairs, church/school car washes or garage sales. In those instances, the zoning administrator may authorize the temporary use of the required parking area or temporary off-site parking upon a demonstration by the applicant that:

- (1) the loss of the required parking spaces may be off-set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not needed;
- (2) permission has been granted by neighboring property owners or operators to use their parking facilities;
- (3) the duration of the special event is so short or of such a nature as to not create any parking problems for the normal operation of the existing on-site use;
- (4) temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a site plan may be required to demonstrate this);
- (5) the proposed special event satisfies all other applicable City regulations.

(h) *Maximum Allowed Parking.* In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of storm water runoff and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than ten percent, unless approved by the Planning Commission as part of site plan review. In approving additional parking space, the Planning Commission shall determine that the parking is necessary, based on documented evidence, to accommodate the use on a typical day.

(i) *Downtown Parking.* The minimum off-street parking spaces required for any nonresidential use in the CBD district shall be exempt from the requirements of *Table 155.112*. These requirements may be further reduced by the Planning Commission in conformance with the provisions of *Section 155.112(d)*.

- (j) *Bicycle Parking.* Accommodation for bicycle parking is encouraged in all districts, but especially in the Central Business District (CBD) zone.
- (k) *Required Off-Street Parking Spaces.* The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this chapter, on the basis of the applicable requirements of *Table 155.112a*. As a condition of approval, the City Council may require that a performance guarantee be posted, in accordance with the provisions of *Section 155.114*.
- (1) When units or measurements determining the number of required parking spaces result in a fraction over one-half, a full parking space shall be required.
 - (2) In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar, as determined by the zoning administrator, shall apply.
 - (3) Each 24 inches of bench, pew, or similar seating facilities shall be counted as one seat, except if specifications and plans filed in conjunction with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.
 - (4) Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the building code and fire code.
 - (5) Unless otherwise indicated, floor area shall be usable floor area (UFA).

Table 155.112a Parking Requirements by Use	
Use	Number of Parking Spaces
Residential Uses	
Accessory dwellings	1 space per dwelling unit
Bed and breakfast	2 for the owner/operator and 1 per leasable room.
Boarding or rooming house.	1 space per 2 beds, plus 2 additional spaces for owner or employees.
Dormitories, fraternities and similar student housing	1 per 3 occupants, plus 1 per 2 full-time equivalent employees
Group homes, juvenile and adult	1 per 4 occupants
Multiple-family residential dwellings	2 spaces per dwelling unit, except in B-1 District (downtown) where 1 per dwelling unit is required.
Senior apartments and senior independent living	1.25 spaces per unit. Should units revert to general occupancy, the requirements for multiple family dwellings shall apply
Single-family and two-family dwellings	2 spaces per dwelling unit.
Institutional Uses	
Auditoriums, assembly halls, meeting rooms, theaters, and similar places of assembly	1 space per 3 seats, based on maximum seating capacity in the main place of assembly therein, as established by the City fire and building codes
Child day care centers, nursery schools, and day nurseries; adult day care centers	1 per 350 sq. ft. of UFA, plus 1 per employee. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions
Churches and customary related uses	1 per 5 seats in the main unit of worship, plus spaces required for each accessory use such as a school
Colleges and universities; business, trade, technical, vocational, or industrial schools	1 per classroom plus 1 per 3 students based on the maximum number of students attending classes at any one time

Elementary and middle schools	1 per teacher, employee, or administrator, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Government offices	1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls or other assembly rooms
High schools; performing and fine arts schools	1 per teacher, employee, or administrator, and 1 for every 10 students, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium.
Hospitals and similar facilities for human care	1 per 2 beds, plus 1 per employee on the largest shift.
Nursing and convalescent homes	1 per 3 beds or occupants and 1 space per staff member or employee on the largest shift.
Post office	1 per 200 sq. ft. of UFA
Public libraries and museums	1 per 800 sq. ft. of UFA, plus requirements for auditoriums, classrooms or other assembly rooms

Retail Uses

Retail stores except as otherwise specified herein	1 for every 250 sq. ft. of UFA.
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Table 155.112a Parking Requirements by Use

Use	Number of Parking Spaces
Mortuary establishment, funeral home	1 per 50 sq. ft. of assembly room or parlor floor space.
Motel, hotel or other commercial lodging establishment	1.25 per guest unit. In addition, spaces required for ancillary uses such as lounges, restaurants or places of assembly shall be provided and determined on the basis of specific requirements for each individual use.

Restaurants, Bars and Clubs

Standard sit-down restaurants with liquor license and brew pubs	1 per 50 sq. ft. of UFA.
Standard sit-down restaurants without liquor license	1 per 75 sq. ft. of UFA.
Carry-out restaurant (with no or limited seating for eating on premises)	6 per service or counter station, plus 1 per employee.
Open front restaurant/ice cream stand	6 spaces, plus 1 per employee and 1 per 4 seats.
Drive-through restaurant	1 per 30 sq. ft. UFA, plus 8 stacking spaces per food pickup window.
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	1 per 50 sq. ft. of UFA.
Private clubs, lodge halls, or banquet halls	1 for every 3 persons allowed within the maximum occupancy load as established by the City fire and building codes.

Recreation

Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses	1 per 3 persons allowed within the maximum occupancy load as established by City fire and building codes, plus 1 per employee.
Billiard parlors	1 per 3 persons allowed within the maximum occupancy load as established by City building and fire codes or 1 per 300 square feet of gross floor area, whichever is greater.
Bowling alleys	8 per bowling lane plus additional for accessory uses such as

	bars or restaurants.
Indoor recreation establishments including gymnasiums, tennis courts and handball, roller or ice skating rinks, exhibition halls, dance halls, and banquet halls	1 space for every 3 persons allowed within the maximum occupancy load as established by the City fire and building codes.
Golf courses open to the public, except miniature or "par-3"	6 per 1 golf hole, plus 1 per employee, plus additional for any bar, restaurant, banquet facility or similar use.
Miniature or "par-3" courses	3 per 1 hole plus 1 per employee.
Stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 for every 3 seats or 1 for every 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
Offices	
Business offices or professional offices of lawyers, architects or similar professionals	1 for every 300 sq. ft. of UFA, but no less than 5 parking spaces.
Medical offices of doctors, dentists, veterinarians or similar professions	1 for every 200 sq. ft. of UFA.
Industrial Uses	
Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical work-shops	1 for every 1.5 employees or 550 sq. ft. of gross floor area, whichever is greater.
Warehouses and storage buildings	1 per employee computed on the basis of the greatest number of persons employed at any one time during the day or night, or 1 for every 5,000 square feet of gross floor area, whichever is greater.
Mini warehouses/self storage	Unobstructed parking area equal to 1 for every 10 door openings, plus parking for other uses on site such as truck rental.
Truck terminal	1 per employee plus 2 truck spaces of 10 by 70 feet per truck berth or docking space.

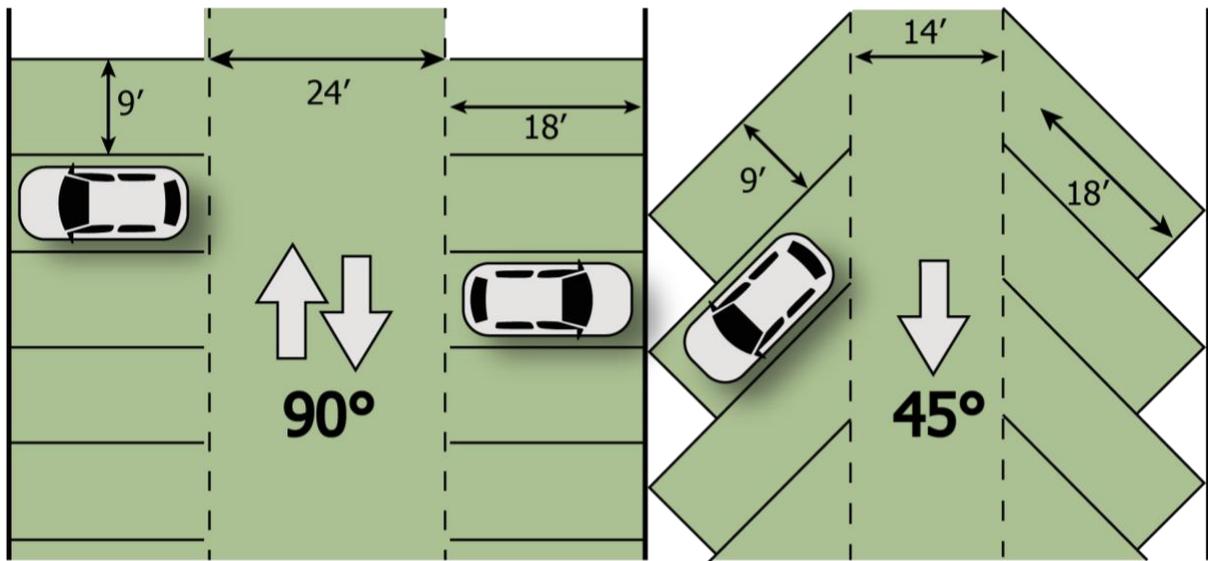
155.113 Off-Street Parking and Facility Design

- a. *Location and Setbacks.* Off street parking lots shall meet the setback requirements applicable to parking, as specified in the zoning district or requirements which may be specified for individual uses.
- b. *Parking Construction and Development.* The construction of any parking lot shall require approval of a site plan, in accordance with *Chapter 155.13*. Construction shall be completed and approved by the zoning administrator before a certificate of occupancy is issued and the parking lot is used.
 - (1) Pavement. All parking lots and vehicle and equipment storage areas shall be paved

with an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate. The Planning Commission may approve alternative paving materials, such as permeable/grass pavers, for all or a portion of the parking areas, based upon credible evidence of the durability and appearance of the proposed materials. For storage areas, the Planning Commission may approve a substitute for hard-surfaced pavement upon a determination that there are no adverse effects on adjoining properties.

- (2) Drainage. Surface water from parking areas shall be managed in accordance with the City engineering standards. The City manager shall, in consultation with the City engineer, determine the appropriate detention treatment. The applicant shall be responsible for all costs associated with the City engineer’s review.
- (3) Dimensions. Parking space and aisle dimensions shall meet the applicable requirements specified in *Table 155.113*.
 - A. Angled parking between these ranges shall be to the nearest degree.
 - B. Space length may be reduced by up to two feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven feet where abutting a parking area. There shall be a minimum distance of seven feet between the parking lot curb and building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.
 - C. All parking lots shall be striped and maintained showing individual parking bays, in accordance with the following dimensions:
- (4) Stacking Spaces. Waiting/stacking spaces for drive-through uses (such as banks, restaurants, car washes, pharmacies, dry cleaners and oil change establishments) shall be at least 24 feet long and ten feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through waiting lane provides for a single lane for five or more vehicles an escape/bypass lane shall be provided to allow vehicles to exit the waiting lane.

Table 155.113 Dimensional Requirements (feet)					
Parking Pattern	Parking Space		Maneuvering Lane Width	Total One Row of Parking and Maneuvering Lane	Total Bay (Two Rows of Parking and Maneuvering Lane)
	Width	Length			
0°(parallel)	8	21	12	20	28
30° to 53°	9	18	14	32	50
54° to 74°	9	18	18	36	54
75° to 90°	9	18	24	42	60



(5) Ingress and Egress. Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. All parking lots shall provide interior access and circulation aisles for all parking spaces. The use of public streets for maneuvering into or out of off-street parking spaces shall be prohibited. Ingress and egress to a parking lot in a non-residential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district. Except in the CBD Zoning District (downtown), access to nonresidential parking lots shall meet the following standards:

- A. Ingress and egress driveways shall be located no closer than 50 feet to the intersecting right-of-way of two streets and no closer than three feet to any adjoining property line.
- B. Driveways shall not exceed 30 feet in width, as measured at the right-of-way line.
- C. A maximum of one driveway shall be permitted per street frontage; provided a second driveway may be allowed where the frontage exceeds 200 feet.
- D. No driveway shall be closer than 75 feet to another driveway on the same or abutting property.
- E. Driveways shall be perpendicular or no more than 30 degrees from perpendicular to the curb.
- F. Driveways shall not be located closer than 25 feet to any property line, unless approved as a shared driveway for two or more properties.
- G. All driveways shall be constructed in accordance with the City engineering standards.

(6) Curbing. A six inch concrete curb, or alternative as determined by the Planning Commission, shall be provided around all sides of any parking lot of five or more spaces to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb

- openings are allowed for storm water drainage, as recommended by the City engineer. Plantings shall be set back two feet from curbs to allow for bumper overhang.
- (7) Landscaping. Off-street parking areas shall be landscaped and/or buffered, in accordance with the requirements of *Chapter 155.14*.
- (8) Lighting. Light fixtures used to illuminate off-street parking areas shall be arranged to deflect the light away from adjoining properties and adjacent streets. Lighting fixtures in parking areas adjacent to any residentially zoned or used property shall not exceed 20 feet in height. Fixtures in all other parking areas shall not exceed 35 feet in height. Light fixtures shall be designed to achieve 90 degree luminary cutoff.
- (9) Fire Lanes. Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
- A. *Barrier Free Parking in Parking Lots*. Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the Barrier Free Parking Space Requirements of the Ohio Department of Transportation. Barrier free spaces shall be located as close as possible to building entrances. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.
- B. *Maintenance*. All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.
- C. *Limitations on Use of Parking Lots*.
- (10) Off-street parking areas are intended only for temporary vehicle parking for public safety. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance.
- (11) Loading spaces, as required in *Section 155.114*, and parking spaces, required in *Section 155.112*, shall be considered separate and distinct requirements and shall be provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.
- (12) Parking lots and loading areas shall not be used for the long-term storage of trucks or trailers, except where such outdoor storage is specifically permitted in the industrial district. Overnight parking or storage of commercial vehicles shall be prohibited, except for uses and locations approved for vehicle storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas in Business or Industrial districts.
- (13) It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale, except in an approved vehicle sales dealership.

155.114 Off-Street Loading Requirements

- (a) *Uses Requiring Loading Area.* On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retail sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces. This provision shall not apply to uses in the CBD Zoning District.
- (b) *Loading Area Requirements.* Loading and unloading spaces shall be paved and, unless otherwise adequately provided for, shall be ten feet by 50 feet, with 15 foot height clearance, according to the following schedule:

Table 155.114 Minimum Off Street Loading Requirements	
Building Net GFA	Minimum Truck Loading Spaces
0--1,400 sq. ft.	None
1,401--20,000 sq. ft.	1 space
20,001--100,000 sq. ft.	1 space plus 1 space for each 40,000 sq. ft. in excess of 20,000 sq. ft.
100,001--500,000 sq. ft.	5 spaces plus one 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000 sq. ft.	15 spaces plus 1 space for each 80,000 sq. ft. in excess of 500,000 square feet.

- (c) *Orientation of Overhead Doors.* Overhead doors for truck loading areas shall not face a public right-of-way and shall be screened to not be visible from a public street or an adjacent residential district.

Chapter 155.12 Signage

155.121 Purpose

The regulations of this chapter are intended to protect and further the health, safety and welfare of the residents of the City of Mt. Healthy; to maintain and improve the appearance of the community; to conserve community character; to prevent traffic hazards; to provide safe conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location and number of signs. It is further determined that to allow signs of excessive number and size in the City would unduly distract pedestrians and motorists, create traffic hazards and reduce the effectiveness of signs needed to direct the public. The regulations of this chapter are intended to provide reasonable identification for businesses and other uses within the community; but are not intended to serve as a means of advertising.

155.122 General Provisions

The following regulations are applicable to all signs in all zoning districts.

(a) Sign Structure and Placement.

- (1) Signs shall be constructed to withstand all wind and vibration forces which can normally be expected to occur.
- (2) Signs shall not be placed in, upon or over any public right-of-way, alley, or other place, except as may be otherwise permitted by the Mt. Healthy City manager or Ohio Department of Transportation (ODOT).
- (3) A light pole, utility pole, tree, fence or other supporting member shall not be used for the placement of any sign, except as may be specifically permitted by this chapter.
- (4) A sign shall not be erected in any location where it may, by reason of its position, shape, color, lighting or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- (5) No sign shall be placed in a manner as to obstruct any fire escape, any required exit, door or window or any ventilation system or other operational necessities of a building.
- (6) A sign attached to a building shall not be placed in any location that would cause significant architectural features of a building to be covered, hidden or obscured.
- (7) A wall sign shall not extend past the edge of the wall to which it is affixed and no wall sign shall extend above the roof line of a building.
- (8) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.
- (9) All signs shall be stationary and shall pertain only to the business or activity conducted on the premises, except for permitted community special event signs.
- (10) One changeable message display may be permitted on either a permitted freestanding ground sign or wall sign on a parcel, within the maximum size limits permitted for the sign; provided the message is static and is not changed more than once in any 12 hour period.
- (11) Any vehicle which, in the opinion of the zoning administrator, has the intended function of serving as a sign shall conform to the provisions of *Section*

155.124(f).

(b) *Measurement of Sign Area.* No sign shall exceed the maximum sign area allowed for the district in which it is located. The sign area is to be expressed in square feet, computed to the nearest tenth of a square foot, and shall be calculated as follows:

(1) Area. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

(2) Double-Faced sign. The area of a ground or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two faces are placed back-to-back and are no more than two feet apart at any point, the area of one face shall be counted toward the maximum size requirement. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.



(3) Wall sign. For a sign consisting of individual letters and/or a logo affixed directly onto a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

(4) Height. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign, excluding any artificially constructed earthen berms.

(5) Multi-Tenant Buildings. For buildings with multiple tenants, the sign area for wall, projecting, canopy or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall.

(c) *Illumination and Movement.*

(1) Unless otherwise provided, signs shall not be illuminated internally. The source of the light for externally illuminated signs shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property and shall be directed in a downward manner to prevent light pollution into the night sky.

(2) A sign shall not contain any moving or animated parts including lighting, nor have the appearance of having moving or animated parts, except for time and temperature signs, standard sized barber pole signs, scoreboards and gasoline price signs as otherwise permitted.

(3) Neon signs shall only be permitted within the E District, but not within 50 feet of a Residential District unless the sign is not visible from adjacent property within the Residential District.

155.123 Signs Not Requiring Permits

The following signs shall not require a permit, as otherwise required by *Section 155.126*, but shall be subject to all other applicable general requirements of this chapter.

Table 155.123 Signs Exempt from Permit

Type of Sign	Requirements
Address sign	Numeral height no greater than six inches for residences and 18 inches for businesses and other nonresidential uses.
Barber pole	The bottom of the barber pole must be at least 8 feet from the ground or sidewalk and the top must be lower than the height of the building. The barber pole must not extend more than 12" from the exterior face of the wall to which it is attached. Placement within any ROW requires approval by either the City manager or ODOT.
Bulletin board	Not over 20 square feet in area for public, charitable, or religious institutions; provided that if such signs are electrically illuminated, an electrical permit must be obtained.
Device sign	Permanent signs on gas pumps or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three square feet in area, limit of one sign per vending machine, gas pump or ice container.
Directional sign	The sign shall not exceed two square feet in area and three feet in height; shall be set back from the street right-of-way line and the edge of any driveway at least five feet; and may contain a logo or trademark up to one-third of the sign area, but shall not contain a name or commercial message. Only words such as "enter," "exit," "one way," "do not enter," and similar traffic directions may be displayed.
Employment sign	"Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six square feet with a maximum height of four feet.
Flag	Flags or insignia of any nation, state, local government, community organization or educational institution.
Garage and estate sale	Garage sale and estate sale signs announcing the sale of household goods, provided the following: A maximum of four signs may be placed off-premise and one on-premise; the signs shall not exceed four square feet in area and three feet in height above grade; the signs shall not be affixed to other signs, utility poles, fire hydrants or trees; the signs are erected no more than three days before and removed within one day after the announced sale.
Historic marker	Historical marker including plaques or signs describing a property's designation as a historical site or structure and containing narrative, not exceeding 2 square feet in area, unless an official state or federal historical marker.
Incidental sign	Incidental signs not exceeding a total of two square feet, a total of two signs per business indicating acceptance of credit cards, the location of restrooms, restrictions on smoking and restrictions on building entrances or describing business

	affiliations and are attached to a permitted sign, exterior wall, building entrance, or window.
Interior sign	Any sign which is located completely within an enclosed building, and which is not visible from outside the building or which is primarily directed at persons within the premises upon which the sign is located.
Memorial sign	Memorial signs or tablets not exceeding two square feet in area, having the name of a building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
Murals	Murals not containing any logos, product or service representations are exempt; provided, the name of the use, business or entity located on the premises to which the mural is affixed may be displayed if it occupies no more than ten percent of the area of the mural. Any other mural shall be regulated as a wall sign.
Nameplate	Signs identifying the occupants of the building and/or their profession, provided the sign shall not exceed two square feet in area; the sign must be attached to an exterior building wall.
Political sign	Signs shall not be placed in the street right-of-way.
Real estate Sign	Only one sign is permitted per lot. However, two signs are permitted if the lot is a corner lot; The size of each sign may not exceed four square feet per side and a maximum height of four feet for single family and two family dwellings or 16 square feet per side and a maximum height of eight feet for all other uses; They must be non-illuminated. The sign shall not be affixed to other signs, utility poles, fire hydrants or trees; The sign must be located outside of the public right-of-way; and The sign must be removed within 30 days of the property's sale or lease.
Real estate open house sign	A maximum of two signs may be placed off-premise and one on-premise; The signs shall not exceed four square feet in size and three feet in height above grade; The signs shall not be affixed to other signs, utility poles, fire hydrants or trees; Any person or firm placing the signs shall obtain the written permission from the owner or occupant of all properties on which the signs are placed; The sign shall not be displayed for more than eight hours per day; and The signs must be removed within one hour following closing of the open house.
Religious symbols	Religious symbols incorporated into the architecture on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied by text.
Residential contractor	One temporary sign identifying the contractor performing major home repairs or remodeling such as roofing,

	siding, landscaping and similar work of limited duration. The sign shall be a maximum of four square feet in area and three feet in height. It shall be located on the premises where the work is being performed and shall be removed within two weeks of completion of the work.
Sandwich Board	One double-sided sign no more than eight square feet in size and chalkboard or similar in design. Shall be permitted on public sidewalk within businesses posted hours with a maximum of one hour prior to open and after closing.
Scoreboards	Used in conjunction with a legally established sports field; not exceeding 20 feet in height above the ground; not exceeding 100 square feet in area; and the scoreboard is single sided.
Sign on vehicle	Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
Traffic control sign	Traffic or other municipal signs, legal notices, danger signs and such temporary emergency or non-advertising signs, or private traffic control signs which conform to the requirements of the Manual of Uniform Traffic Control Devices and as may be approved by the City.
Warning sign	Publicly authorized warning signs, such as no trespassing, warning of electrical currents or animals, provided the sign does not exceed two square feet in area.
Temporary window sign	The total area of all signs within one foot of the window shall not obscure more than 25 percent of the window area.

155.124 Prohibited Signs

Signs not specifically allowed under this chapter, unless exempt per *Section 155.123*, are prohibited in the City of Mt. Healthy. Further, the following sign types are expressly prohibited:

- (a) Balloons, balloon signs, strings of light bulbs, pennants, streamers, feather signs, banners or flags, except banners or flags specifically permitted by the City manager related to permitted events.
- (b) Any sign, including window signs, employing flashing, moving or oscillating lights, excluding time-temperature signs
- (c) Internally lit signs, with the exception of permitted neon signs that comply with the applicable regulations.
- (d) Roof signs
- (e) Pole sign
- (f) Off-premise signs, except for community special event signs
- (g) Billboard signs.
- (h) Portable trailer signs
- (i) The use of vehicles, trailers or similar movable structures as signs is prohibited when the

vehicle, trailer or similar movable structure is parked on public or private property within 50 feet of any property line abutting a public street, except for those:

- (1) Lawfully parked overnight or during non-business hours in a place not visible from a public street or designated truck parking or loading area;
- (2) Making deliveries, sales calls, or other customary practices relating to doing business;
- (3) Making trips to transport persons or property;
- (4) In conjunction with active construction operations on the site; or
- (5) Passenger vehicles, pick-up trucks, and vans, containing signs that do not exceed sixteen (16) square feet in area painted on or permanently affixed to the doors or integral body panels and such vehicles are of a size that can fully fit within a standard parking space.

155.125 Permitted Signs

The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described in *Table 155.125*, issuance of a sign permit and all other applicable regulations. In any B or I district, a maximum of two types of signs and three total signs per principal building shall be permitted on any lot, regardless of the number of tenants.

Table 155.125 Schedule of Permitted Signs by District	
Recreational Districts	
Ground sign for non-residential uses	
Number	One per street frontage
Size	8 square feet
Location	Minimum 10 feet from front line, minimum 50 feet from all other lot lines
Height	Six feet maximum
Wall sign for non-residential uses	
Number	One per street frontage, but only one per wall
Size	Five percent of wall area to which it is attached, not exceeding 12 square feet
Location	Mounted flat against the wall
Residential Districts	
Gateway sign	
Number	One per street frontage
Size	24 square feet
Location	Minimum 15 feet from all lot lines
Height	Six feet maximum
Development sign – Promoting a newly-developed subdivision of at least ten dwelling units	
Number	One non-illuminated
Size	Maximum 48 square feet
Location	Minimum ten feet from all property lines
Height	Eight feet maximum
Other	May be in place for up to one year from the date the subdivision record plan is recorded
Ground sign for non-residential principal uses	
Number	One

Size	24 square feet
Location	Minimum ten feet from front lot line, minimum 10 feet from all other lot lines
Height	Six feet maximum
Wall sign for non-residential uses	
Number	One per street frontage, but only one per wall
Size	Five percent of wall area to which it is attached, not exceeding 64 square feet
Location	Mounted flat against the wall
Permitted home occupations	
Number	One non-illuminated sign identifying the home occupation
Size	Maximum two square feet in area.
Type	Ground, projecting or wall signs
Location	If a ground sign is utilized it must be setback from the front lot line a minimum of ten feet
Business Districts	
Business Center sign (E, General Business District only)	
Number	One per property. No other freestanding sign shall be permitted on the property for individual businesses
Size	48 square feet
Location	Minimum ten feet from front lot line, minimum 25 feet from all other property lines
Height	Six feet maximum
Canopy, Projecting or Awning sign (CBD, Central Business District only)	
Number	One per business
Size	Eight square feet maximum
Location	Projecting out from building wall not more than three feet
Height	A clearance of at least ten feet is required between the sidewalk and the bottom of the sign
Gateway sign (E, General Business District only)	
Number	One per street frontage
Size	24 square feet
Location	Minimum 15 feet from all lot lines
Height	Six feet maximum
Ground sign (E General Business District only)	
Number	One per street frontage
Size	32 square feet
Location	Minimum ten feet from front lot line, minimum 50 feet from all other lot lines
Height	Six feet maximum
Marquee sign (E, Central Business District only)	
Number	One per business
Size	48 square feet maximum
Location	Projecting out from building wall not more than six feet
Height	A clearance of at least eight feet is required between the sidewalk and the bottom of the sign
Other	Flashing lights are not permitted

Wall sign	
Number	One per street frontage, but only one per wall
Size	Five percent of wall area to which it is attached, not exceeding 25 square feet total aggregate for wall signs
Location	Mounted flat against the wall
Window sign	
Size	Permanent window signs are limited to 25 percent coverage of the window that they are posted within
Industrial Districts	
Business Center sign	
Number	One per property. No other freestanding sign shall be permitted on the property for individual businesses
Size	48 square feet
Location	Minimum ten feet from front lot line, minimum 25 feet from all other property lines
Height	Six feet maximum
Gateway sign	
Number	One per street frontage
Size	24 square feet
Location	Minimum 15 feet from all lot lines
Height	Six feet maximum
Ground sign	
Number	One per street frontage
Size	32 square feet
Location	Minimum ten feet from front lot line, minimum 50 feet from all other lot lines
Height	Six feet maximum
Wall sign	
Number	One per street frontage, but only one per wall
Size	Five percent of wall area to which it is attached, not exceeding 64 square feet
Location	Mounted flat against the wall
All Districts	
Community Special Event sign	
Number	No limit
Size	24 square feet maximum
Location	On or off the property on which the event will occur; set back at least 15 feet from any side or rear property line and set back from the front property line the same distance as required for a ground sign in the district in which the sign is located
Height	Six feet maximum
Other	The sign shall be installed no more than ten days prior to the scheduled event and must be removed within 48 hours of the event's conclusion
Construction sign	
Number	One per street frontage, but only one on each street
Size	32 square feet maximum

Location	Minimum six feet from all street right-of-way lines and at least ten feet from any other lot line
Height	Ten feet maximum
Other	The sign shall be posted from the time the building permit is issued and removed within ten days after a certificate of occupancy is issued for the building to which the sign refers or when at least 50% of the lots within a development have been sold
Temporary sign	
Number	One per street frontage, but only one on each street
Size	32 square feet
Location	Minimum five feet from front lot line
Height	Six feet maximum
Other	Temporary signs may be displayed for a maximum of 21 consecutive days for any single permit period and a maximum of three permit periods may be permitted in a calendar year. The sign shall be removed by the permit holder upon expiration of the permit period

155.126 Sign Permits

- (a) *Permits Required.* A sign permit shall be required for the erection, use, construction or alteration of all signs, except those specifically exempted by *Section 155.123*. For purposes of this section alteration shall mean any change to an existing sign including changing the copy to promote, advertise, or identify another use. Alteration shall not mean normal maintenance of a sign nor apply to changeable message signs.
- (b) *Electrical Signs.* All signs requiring electrical service shall be reviewed for compliance with the applicable electrical code. Approval of signs requiring electrical service shall be noted on or attached to the sign permit.
- (c) *Issuance of Sign Permit.* The zoning administrator shall issue a sign permit if all provisions of this code and other applicable City regulations are met. A sign authorized by a permit shall be installed or be under construction within six months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and fee.

155.127 Application Procedure

An application for a sign permit shall be made to the zoning administrator along with a fee as established by the City Council. The application, at a minimum, shall include the following:

- (a) Name, address, and telephone number of applicant and the person, firm or corporation erecting the sign.
- (b) Address or permanent parcel number of the property where the sign will be located.
- (c) A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with setback from lot lines.
- (d) Two sets of plans and specifications showing all dimensions, method of construction, and

attachment to structures or ground.

- (e) The zoning district in which the sign is to be located.
- (f) Any other information which the zoning administrator may require in order to determine compliance with this code.
- (g) Signature of applicant or person, firm or corporation erecting the sign.

155.128 Inspection and Maintenance

(a) Sign Inspection.

- (1) Responsibility for Compliance. The owner of any property on which a sign is located is declared to be responsible for the permit, erection, inspection, safety, condition, and removal of a sign.
- (2) Inspection of New Signs. All signs for which a permit has been issued shall be inspected by the Hamilton County building official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable requirements of all codes.
- (3) Inspection Before Enclosure. In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Hamilton County building official when such fastenings are to be installed so that inspection may be completed before enclosure.
- (4) Inspection of Existing Signs. The Hamilton County building official may, at such times as deemed necessary, inspect any sign allowed under this section and, if upon inspection, a sign is found to be unsafe or in a condition that does not comply with all the provisions of this section, the Hamilton County building official shall give notice of that condition to the owner of the sign and cause the necessary repairs or alterations to be made, or require removal of the sign.

(b) Sign Maintenance.

- (1) Maintenance of Signs. All signs for which a permit is required, as well as those that are exempt from the requirement of a permit, as set forth in *Section 1266.03*, and all structural supports shall:
 - A. be kept in compliance with the plans and specifications filed and approved for issuance of the construction permit;
 - B. be kept and maintained in a safe condition, consistent with adopted building and mechanical codes; and
 - C. at all times conform to all provisions of this chapter.
- (2) Correction of Defects. If the Hamilton County building official finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the owner of the sign shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the Hamilton County building official. Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired within 24 hours of notification.
- (3) Obsolete Signs.
 - A. Signs which are no longer functional, in disrepair, or are abandoned for more than 60 days, shall be removed, at the expense of the owner of the property on which the sign is located, within 30 days following notice of non-compliance. The owner shall be notified by certified mail. If the sign is not

removed within 30 days, the City manager may cause the sign to be removed and assess the cost of removal against the property.

B. A sign which no longer identifies a use, product, business or entity located on the property, but is otherwise in conformity with the other provisions of this ordinance, may remain in place if the sign face is completely covered or obscured by a blank panel attached within the frame of the sign. In such case, the sign shall be permitted to remain for a period not to exceed 120 days. Following expiration of the 120 days, the sign shall be removed, at the expense of the owner of the property on which the sign is located, unless identifying a new use, product, business or entity located on the property.

(c) *Sign Removal.* The City manager may obtain a court order to compel removal of a sign that is obsolete or otherwise in violation of this section. The cost of removal shall be added as a lien on the property tax rolls.

155.129 Fees

Any application for a sign permit or other request for action pursuant to the regulations of this chapter shall be subject to and accompanied by a fee as established by the City Council. Such fees shall be collected in advance of any application review, inspection, or issuance of any permit or approval. Upon notification of deficient payment of fees, the building official shall cause any permits to be suspended and reject applications for new permits directly associated with the request.

155.1299 Nonconforming Signs

- (a) Any permanent sign or sign structure which was legally established, but no longer conforms to the height, size, area or location requirements of this chapter is deemed to be nonconforming.
- (b) Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- (c) For the purposes of this chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing nonconforming status.
- (d) Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than 50 percent of the value of the sign on the date of the loss.
- (e) Any sign which for a period of sixty days or more no longer identifies a bona fide business conducted or product sold on the premises shall be removed by the owner of the building, structure, or property upon which the sign is located within 30 days of receipt of written notice from the zoning administrator.
- (f) A sign accessory to a nonconforming use on the premises may be erected, in accordance with the sign regulations for the district in which the property is located.

Chapter 155.13 Site Plan Review

155.131 Purpose

The purpose of this chapter is to establish a uniform set of requirements for the planning and design of developments within the City in order to achieve the following objectives:

- to determine compliance with the provisions of this code;
- to promote the orderly development of the City; to prevent depreciation of land values;
- to ensure a consistent level of quality throughout the community;
- to ensure a harmonious relationship between new development and the existing natural and manmade surroundings; to achieve the goals and principles of the Mt. Healthy Comprehensive Plan and the Healthy Hilltops Plan;
- to promote consultation and cooperation between applicants and the City in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this code and the comprehensive plan and vision.

155.132 Applicability

Site plan review shall be required, as applicable, under the following conditions, unless exempted by *Section 155.133*:

- (a) *Level "A" Review*. The zoning administrator shall review site plans in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
- (1) Any "permitted" use within any zoning district, if the proposed building is less than 5,000 square feet.
 - (2) Additions to existing buildings or parking areas in any zoning district.
 - (3) Changes in the use of any existing building in any zoning district; provided the use is a "permitted" use in that zoning district.
 - (4) When, in the opinion of the zoning administrator, a project which otherwise qualifies for level "A" site plan review may have a negative impact on surrounding properties, the zoning administrator may, at their discretion, submit the site plan to the Planning Commission for review. In such cases, the Planning Commission shall follow the review procedure for level "B" site plans and may require any additional information needed to make an informed decision.
- (b) *Level "B" Review*. The Planning Commission shall act upon all site plans, other than those provided for level "A" review, in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
- (1) Any "permitted" use within any zoning district occupying a building of 5,000 square feet or more.
 - (2) Any "conditional" use in any district.
 - (3) Any Planned Unit Development.
 - (4) As otherwise required by this code.

155.133 Exemptions

Site plan review shall not be required for a single or two-family dwelling on a lot on which there exists no other building or use, or for any home occupation or accessory building in a residential district. However, a zoning permit, in accordance with *Section 155.151*, shall be required.

155.134 Application and Review

The process of reviewing a site plan shall be as follows:

- (a) Level "A" reviews shall be performed by the zoning administrator as follows:
- (1) Five copies of a complete site plan and an electronic version, in a format specified by the City, shall be submitted to the zoning administrator along with an application for that purpose and a fee, as established by the City Council.
 - (2) The zoning administrator shall review the site plan for completeness, and shall obtain comments from City departments or other relevant review agencies or consultants.
 - (3) The zoning administrator shall consider the site plan, any comments received, and the applicable standards of this code, and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met.
 - (4) The reasons for the zoning administrator's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
 - (5) If approved, two copies of the site plan shall be signed and dated by the zoning administrator and the applicant. One copy shall be kept on file with the City and one copy shall be returned to the applicant or his/her designated representative. If the plan is approved with conditions, two copies of the revised site plan shall be submitted reflecting those conditions and shall be signed and dated by the applicant and zoning administrator, one copy shall be kept on file with the City and one copy shall be returned to the applicant or his/her designated representative, prior to issuance of any permits.
- (b) Level "B" reviews shall be performed by the Planning Commission as follows:
- (1) Ten copies of a complete site plan and an electronic version, in a format specified by the City, shall be submitted to the zoning administrator along with an application for that purpose and a fee, as established by the City Council.
 - (2) The zoning administrator shall review the site plan for completeness, and shall obtain comments from the City departments or other relevant review agencies or consultants.
 - (3) Once the zoning administrator determines that the site plan is complete, the site plan shall be transmitted to the Planning Commission for consideration at its next meeting. The zoning administrator shall not be required to submit any site plan for review which was submitted less than 20 days prior to the next regularly scheduled Planning Commission meeting. Comments, if any, from City departments or others shall be transmitted to the Planning Commission prior to its review of the site plan.
 - (4) The Planning Commission shall consider the site plan and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan if applicable requirements and standards have not been met. The Planning Commission review

- shall be based on the requirements of this chapter, comments received from City departments and others, and, specifically, the review standards of *Section 1268.06*.
- (5) If approved, two copies of the site plan shall be signed and dated by the chairperson of the Planning Commission and the applicant. One copy shall be kept on file with the City and one copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, two copies of the revised site plan shall be submitted reflecting those conditions and shall be signed and dated by the applicant and the Planning Commission chairperson, one copy shall be kept on file with the City and one copy shall be returned to the applicant or his/her designated representative, prior to issuance of any permits.

155.135 Site Plan Requirements

(a) *Required Content.* Each site plan submitted shall contain the following information, as applicable:

Table 155.135 Required Site Plan Content		
Required Information	Level "A"	Level "B"
General Information		
Date, north arrow, and scale	X	X
Name and firm address of the professional individual responsible for preparing site plan	X	X
Name and address of the property owner or petitioner	X	X
Location sketch	X	X
Legal description of the subject property	X	X
Size of subject property in acres or square feet	X	X
Boundary survey	X	X
Preparer's professional seal		X
Existing Conditions		
Existing zoning classification of subject property	X	X
Property lines and required setbacks (dimensioned)	X	X
Location, width and purpose of all existing easements	X	X
Location and dimension of all existing structures on the subject property	X	X

Location of all existing driveways, parking areas and total number of existing parking spaces on subject property	X	X
Abutting street right-of-way width	X	X
Location of all existing structures, driveways, and parking areas within 300 feet of the subject property's boundary		X
Existing water bodies (rivers, creeks, wetlands, etc.)	X	X
Existing landscaping and vegetation on the subject property		X
Size and location of existing utilities	X	X
Location of all existing surface water drainage facilities	X	X
Proposed Development		
Location and dimensions of all proposed buildings	X	X
Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided), and loading and unloading areas	X	X
Type and location of exterior mechanical equipment and published operating noise level of the equipment.	X	X
Setbacks for all buildings and structures	X	X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use		X
Flood plain areas and basement and finished floor elevations of all Buildings		X
Landscape plan (showing location of proposed materials, size and type)		X
Layout and typical dimensions of proposed parcels and lots		X
Number of proposed dwelling units (by type), including typical floor plans for each type of unit		X
Number and location (by code, if necessary) of efficiency and one, two and three or more bedroom units		X
All deed restrictions or covenants		X

Brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square X feet), and any change in the number of parking spaces	X	X
Engineering		
Proposed method of handling sanitary sewage and providing potable water	X	X
Location and size of proposed utilities, including connections to public sewer and water supply systems	X	X
Location and spacing of fire hydrants and fire department connections		X
Location and type of all proposed surface water drainage facilities	X	X
Grading plan at no more than two foot contour intervals		X
Proposed streets (including pavement width, materials, and easement or right-of-way dimensions)		X
Building Details		
Typical elevation views of all sides of each building type		X
Gross and net floor area	X	X
Elevation views of building additions	X	X
Building height	X	X
Additional Information		
Any other information required by the zoning administrator or Planning Commission and/or Board of Zoning Appeals to demonstrate compliance with other applicable provisions of this ordinance	X	X

(b) *Information Waiver.* Specific requirements of either a Level “A” or “B” site plan may be waived by the respective reviewer (zoning administrator or Planning Commission) where it is determined that such information is not applicable to the subject request.

155.136 Review Standards

A site plan shall be approved only upon a finding of compliance with the following standards:

- (a) The site plan must comply with all standards of this chapter and all applicable requirements

of this code and all other applicable laws and regulations.

- (b) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- (c) The site must be designed so as to minimize hazards to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.
- (d) Unless a more specific design standard is required by the City through a different code, all uses and structures subject to site plan review shall comply with the following design standards:
 - (1) Traffic Circulation. The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.
 - (2) Storm Water. Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by underground surface drainage system. Low Impact Design solutions, however, such as rain gardens and green roofs are encouraged.
 - (3) Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property. Top soil shall be left intact or stored on site, using best management practices, for site restoration upon completion of the project.
 - (4) Screening. Where non-residential uses abut residential uses, appropriate screening shall be provided, in accordance with *Chapter 155.14*, so as to shield residential properties from noise, headlights, lighting and glare.
 - (5) Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.
 - (6) Utility Service. All utility service shall be underground, unless impractical.
 - (7) Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be visually and acoustically screened, if reasonably necessary, to ensure compatibility with surrounding properties.
 - (8) Emergency Access. All buildings and structures including any fire department connections shall be readily accessible to emergency vehicles.
 - (9) Water and Sewer. Water and sewer installations shall comply with all City specifications and requirements.
 - (10) Signs. Permitted signs shall be allowed, in accordance with *155.12*, and shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.

155.137 Conditions

Conditions which are designed to ensure compliance with the intent of this code and other regulations of the City of Mt. Healthy may be imposed on site plan approval.

155.138 Changes to an Approved Site Plan

Changes to an approved site plan shall be permitted only under the following circumstances:

- (a) The holder of an approved site plan shall notify the zoning administrator of any proposed change to an approved site plan.
- (b) Changes to a Level "A" site plan may be approved by the zoning administrator.
- (c) Minor changes to a Level "B" site plan may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (1) Reduction in building size or increase in building size up to five percent of total approved floor area.
 - (2) Movement of buildings or other structures by no more than ten feet.
 - (3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - (4) Changes in building materials to a comparable or higher quality.
 - (5) Changes in floor plans which do not alter the character of the use.
 - (6) Changes required or requested by the City or county, state, or federal regulatory agency in order to conform to other laws or regulations.
- (d) A proposed change to a Level "B" site plan, not determined by the zoning administrator to be a minor change, shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

155.139 Expiration

Site plan approval shall expire 12 months after the date of approval, unless substantial construction has been commenced and is continuing. The zoning administrator, in the case of a Level "A" site plan, or the Planning Commission, in the case of a Level "B" site plan, may grant one extension of up to 12 additional months; provided the applicant requests, in writing, an extension prior to the date of expiration of the site plan. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

Chapter 155.14 Landscaping

155.141 Purpose

It is the purpose of this chapter to require landscaping to minimize the adverse effects of certain outdoor activities upon their surroundings and to improve the appearance of parking areas and street frontages within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values of property within the City of Mt. Healthy.

155.142 Greenbelts and Parking Lot Landscaping

(a) *Greenbelts Required.* Greenbelts and landscaping shall be required in the following situations, except for parking areas within the CBD, Central Business District.

- (1) Along the street frontage, between the right-of-way line and the parking lot of any parking lot containing four or more spaces;
- (2) Within any required parking setback area, and
- (3) Within the interior of any parking lot containing 10 spaces or more.

(b) *Greenbelt Standards for Front Setbacks.* Greenbelts shall meet the requirements of this chapter.

- (1) At a minimum, a required greenbelt shall contain one canopy tree, plus two additional canopy or understory trees for each 50 feet of road frontage.
- (2) Trees within a required greenbelt may be clustered to create more visual impact and appeal, rather than uniformly spaced along the street.
- (3) The minimum width of a required greenbelt shall correspond to the parking setback requirements prescribed for the district, but shall not be less than 10 feet.
- (4) Landscaping shall be located so it does not obstruct the vision of drivers entering or leaving a site.
- (5) Storm water detention/retention areas shall be permitted within required greenbelts; provided, they shall not hamper the screening intent of the greenbelt or jeopardize the survival of plants.

(c) *Parking Lot Landscaping.* Where landscaping is required within parking lots, it shall meet the following requirements:

- (1) One tree for every 10 parking spaces shall be planted within the parking lot. Trees shall be canopy species. While drought tolerant native species are preferred, other species may be planted within parking areas if approved by the zoning administrator or Planning Commission, as applicable.
- (2) Parking lots shall contain landscape islands. Each island shall be a minimum of ten feet wide, although islands may be combined to ensure a better environment for tree and plant growth. Each island shall be planted with a minimum of two trees to provide shade and to break up the visual monotony of large paved parking lots. Trees shall be planted at least three feet from the edge of the island to avoid contact with vehicles.
- (3) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.

(4) All landscape areas shall be protected by raised curbs, parking blocks or other similar methods to prevent damage. Notwithstanding this requirement, alternative Low Impact Design solutions shall be encouraged.

(5) Landscaping required for front yards which abut parking areas may apply toward up to 50 percent of the required parking lot landscaping.

155.143 General Requirements

All required landscaping and greenbelts shall comply with the following requirements, in addition to all other applicable requirements of this chapter:

(a) *Minimum Plant Material Standards.*

(1) All plant materials shall be hardy, free of disease and insects, and indigenous to Hamilton County.

(2) Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, lava rock or similar accent materials within planting beds.

(3) All plant material shall be installed in a manner that does not alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

(4) No substitution of plant species or sizes shall be allowed unless approved by the zoning administrator in writing.

(5) All plant material shall be planted in a manner that will not cause damage to utility lines (above and below ground) and public roadways.

(6) Existing plant material which complies with the standards and intent of this chapter may be credited toward meeting the landscape requirements.

(7) The overall landscape plan shall not contain more than 33 percent of any one plant species.

(8) Plant material shall not be placed closer than four feet to any fence or property line.

(9) Where trees are placed in two or more rows, planting shall be staggered in rows.

(b) *Minimum Standards for Berms.*

(1) If berms are constructed, they shall be constructed to maintain a side slope not to exceed a one foot rise to a three foot run ratio. When topography or other site conditions prevent construction of berms at this ratio, retaining walls or terracing may be permitted. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

(2) Bermed areas not containing planting beds shall be covered with grass or other living ground cover maintained in a healthy condition.

(3) Berms shall be constructed so drainage patterns on site or toward adjacent properties will not be altered and vision will not be obstructed for safety of ingress and egress.

(4) If berms are used for any part of a screen or greenbelt, all required plant material shall be placed on the top and side slope facing the exterior property line.

(c) *Rain Gardens.* Rain gardens are encouraged as part of a site development and may be approved within a required greenbelt. If provided, rain gardens shall be prepared according to the following guidelines:

- (1) The purpose of the rain garden is to absorb rain water and to improve the attractiveness of the site.
- (2) The size of the rain garden shall be appropriate for the soils located on the site.
- (3) Soils used in the rain garden shall be appropriately prepared and amended following any compaction that may have occurred during construction.
- (4) The rain garden shall be graded to assure that rain water entering the garden will spread out over a large flat area and will soak into the soil.
- (5) To minimize hazards to pedestrians, the rain garden shall be graded so that at its deepest it is approximately six inches.
- (6) The rain garden is planted with native perennial flowers, grasses and sedges.
- (7) The rain garden shall be maintained with minimal or no fertilizers; no herbicides or pesticides will be used.

Chapter 155.15 Administration and Enforcement

155.151 Zoning Permit Required

- (a) A zoning permit shall be required and shall be obtained from the zoning administrator by the property owner or his or her agent:
 - (1) Prior to the construction, occupancy or use of any proposed structure or addition to an existing structure, or prerequisite to the continued occupancy of a newly altered, reconstructed, enlarged or relocated structure.
 - (2) Prior to any change of use of any building or land, even if the changed use is of the same general type as its predecessor;
 - (3) Prior to the reoccupation or reuse of any nonresidential lot or structure.
- (b) Any proposed use or construction outlined in subsection (a), above that requires review and approval for planned unit development, conditional use or site plan review shall be approved according to *Chapter 155.06, 155.10 or 155.13*, as applicable, prior to issuance of a zoning permit.
- (c) No building permit or other permit required to allow construction and no certificate of occupancy shall be issued for any of the above, unless a zoning permit has been issued by the zoning administrator.
- (d) The zoning permit shall state that the plans for the proposed improvement, addition, relocation, change of use or reoccupancy/reuse have been inspected by the zoning administrator, have been approved according to the procedures outlined in this zoning code and are in compliance with the provisions of this code and other applicable regulations.
- (e) Upon written request from the owner or tenant, the zoning administrator shall issue a zoning permit for any building, structure or premises existing on the effective date of this zoning code that certifies, after inspection, the extent and kind of use made of the building, structure or premises and whether the use conforms to the provisions of this code.
- (f) A zoning permit shall not be required for the following:
 - (1) An accessory structure on a lot zoned or used for residential purposes that is less than 144 square feet in ground floor area and no higher than 10 feet that meets applicable zoning setbacks for accessory structures;
 - (2) A swing set or similar child's play structure;
 - (3) Cosmetic (non-structural) changes to any structure, including the replacement of windows in existing openings, re-roofing, installation of siding material and repainting;

- (4) Resurfacing of existing parking lots without increasing the number of spaces;
- (5) Residential TV towers, satellite dishes and similar structures; and
- (6) Modifications to comply with accessibility requirements, unless proposed to encroach in a public right-of-way.

155.152 Zoning Permit Process

- (a) In the case of a proposed planned unit development or conditional use, or for a site plan review, the application materials shall be as required by the applicable chapter (*Chapter 155.06, 155.10 or 155.13*).
- (b) For all other requests, application shall be made on a form approved by the City, along with the fee adopted by resolution of the City Council.
- (c) The application shall be accompanied by a scale drawing of the site exhibiting existing and proposed improvements, as follows:
 - (1) All exterior lot lines, with dimensions based upon an actual survey
 - (2) Dimensions of existing and proposed buildings and structures
 - (3) Setback of all existing and proposed structures from property lines
 - (4) Required setback distances, according to the zoning district
 - (5) Height of existing and proposed buildings and structures
 - (6) Location of off-street parking, including dimensions of parking spaces and access aisles, and distance of parking areas from property lines
 - (7) Any other information deemed necessary by the zoning administrator to determine compliance with this code.
- (d) The zoning administrator may require that the proposed location of buildings and improvements be staked upon the lot prior to zoning permit approval, in order to determine compliance with this code.

155.153 Zoning Permit Approval; Time Limit

- (a) If the zoning permit is approved, the zoning administrator shall certify a copy of the approved plans as approved and return it to the applicant, along with the approved permit. A true copy of the approved plans shall be retained by the zoning administrator.
- (b) For the purposes of obtaining a building permit, a zoning permit shall be valid for 12 months from the date of issuance. If a building permit is not obtained within that period, the zoning permit shall lapse and a new zoning permit request and approval is required before a building permit may be issued.
- (c) A building permit shall be obtained, and substantial progress made within one year of issuance of the zoning permit, unless a different time period is specified elsewhere in this zoning code. If the project is not substantially complete within two years of issuance of the zoning permit, the zoning permit shall expire. The approving body for the original application (the zoning administrator, Planning Commission or City Council, as applicable) may grant extensions of up to one year if the applicant can show that delays in completion of the project are due to circumstances not under control of the applicant (e.g., weather, delays in receiving materials, etc.).
- (d) Any permit or license issued in conflict with this zoning code shall be null and void.

155.154 Fees; Performance Guarantees

- (a) *Fees.* All applications and reviews subject to this zoning code shall be accompanied by a fee,

according to a fee schedule adopted by resolution of the City Council. Actions initiated by City staff, the Planning Commission or City Council shall not be subject to the fee.

- (b) *Performance Guarantees.* The Planning Commission, Board of Zoning Appeals or City Council, as applicable, may require an applicant to deposit a performance guarantee to ensure compliance with this code, the completion of improvements and to protect natural resources and the health, safety and welfare of City residents and the future users or inhabitants of the project.
- (1) A "performance guarantee" shall mean a cash deposit, certified check, letter of credit or other legal surety approved by the City in an amount equal to the estimated cost for any improvements to be made, as determined by the applicant and confirmed and verified by a representative of the City.
 - (2) The performance guarantee shall be deposited with the City before any building permits can be issued. The treasurer shall retain the performance guarantee, in accordance with this section.
 - (3) When a performance guarantee is required as a condition of approval, the approving body shall also specify when the related improvement must be completed.
 - (4) As the project is constructed, the City may rebate money to the applicant based on a reasonable proportion of the completed work, provided that at least ten percent shall be retained for each related element until the entire project has been satisfactorily completed. The City may solicit the opinion of a civil engineer or other licensed professional in the State of Ohio to determine the value of the completed work.
 - (5) Once a project has been satisfactorily completed, as determined by the zoning administrator, and all the landscaping (if required) has been established, the treasurer shall return any remaining funds to the applicant. The City may retain up to ten percent of the performance guarantee to cover any administrative or consultant costs directly associated with reviewing and/or inspecting any improvements.
 - (6) In the event an applicant does not make the improvements for which the performance guarantee was required within the established time period, or if improvements are not constructed in accordance with this zoning code and/or any required conditions and attempts to attain compliance are unsuccessful, the City may enter the subject property and complete the improvements using the performance guarantee to cover costs.
 - (7) In the event an applicant does not make or complete the improvements and the performance guarantee is insufficient to allow the City to complete them, the applicant shall be required to pay the City an amount necessary to complete the improvements, plus any administrative or legal fees.

155.155 Enforcement; Penalty

- (a) *Penalties.* Any owner, person or entity that is found to be in violation or assists in the violation of this zoning code shall, for each violation or noncompliance, be guilty of a fourth degree misdemeanor and be subject to a fine of up to \$2,000. Each day during which a violation occurs shall be a separate offense.
- (b) *Enforcement Process.* The zoning administrator, along with such other person or persons necessary, shall enforce the provisions of the zoning code. The following process shall be followed in the enforcement of this code:

- (1) Upon complaint and/or credible information of a possible zoning code violation, based upon personal knowledge or other information, the zoning administrator will investigate the matter and submit a written report (including relevant photos of the violation, map of the property or other attachments) to the City manager.
- (2) If the zoning administrator believes there is probable cause that a violation has or is occurring, then he or she shall take one or more of the following actions to resolve the violation:
 - A. The zoning administrator may speak to the property owner and attempt to resolve the matter through discussion and/or request that the property owner work with the City through the City mediation program. If discussion and/or mediation resolves the matter, the zoning administrator shall inspect the property for compliance as soon as practical. If the zoning administrator does not believe that the mediation process is resolving or would resolve the matter, he/she does not have to engage in or continue with mediation.
 - B. In addition to, or in lieu of the mediation procedure, the zoning administrator may also send a certified letter to the property owner(s). Below the return address on the envelope, the words "Address Service Requested" will appear. Alternatively, the letter may be personally served in the same manner as a civil complaint. The letter shall cite the section number of the ordinance and the offense and explain what must be done to bring the property into compliance with the ordinance. The property owner will be given 30 days to bring the property into compliance. The property address and parcel identification number shall be referenced in the letter and any photos of the violation as it existed on the date of investigation shall also be included. The letter will be signed by the zoning administrator or other City official who has direct knowledge of the violations.
 - C. The property will be inspected on or as soon as possible after the specified compliance date.
 - D. If the property owner(s) has not complied, the matter will be referred to the municipal prosecutor.
- (c) The City may bring legal action to address any violation of this zoning code, any enforcement order of the zoning administrator, or any term or condition of a planned unit development, conditional use, site plan approval, variance or other entitlement issued under this code, or to collect unpaid fines.
- (d) The penalties associated with a violation of this zoning code are in addition to, not in lieu of, any other penalty applicable under Ohio law or any legal remedy available to the City.

Chapter 155.16 Zoning Administrator

155.161 Office Established

The City Manager or Manager's designee shall interpret, enforce and administer this code.

155.162 Duties of the Zoning Administrator

The Zoning Administrator shall have the following duties:

- (a) Strictly interpret the provisions of this code, including the zoning map. The zoning administrator shall interpret and apply the provisions of this code to be the minimum requirements necessary to promote or advance the public health, safety, security and general welfare of the City.
- (b) Receive and process applications for zoning permits where new construction is to be carried out.
- (c) Receive and process applications for zoning permits, according to *Section 155.15.01(e)*, where no new construction is to be carried out or where new construction has just been completed.
- (d) Conduct inspections of buildings, structures and uses of land to determine compliance with this code, and, in the case of any violation, notify in writing the person or persons responsible, specifying the nature of the violation and ordering appropriate corrective action.
- (e) Enforcement of this code including notification of any violation, according to *Section 155.155*.
- (f) Maintain and keep the *Official Zoning District Map* up to date, for inspection by the public.
- (g) Maintain permanent and current records required by this code, including zoning permits and such other official records as are not the specific responsibility of the clerk of council, and prepare and submit any reports that are necessary for communication of development data to official City and outside agencies.
- (h) Serve as technical staff to the Planning Commission and the Board of Zoning Appeals.
- (i) Provide information on planning and zoning matters to elected and appointed officials and to the public.

Chapter 155.17 Planning Commission and City Council

155.171 Planning Commission Established

The Planning Commission is established in accordance with *Chapter 713* of the Ohio Revised Code and Article VI of the Charter of the City of Mt. Healthy, and shall have the duties and powers as provided by the Revised Code, the Charter and this chapter.

155.172 Planning Commission Powers and Duties

In addition to the powers and duties granted in *Chapter 713* of the Ohio Revised Code and by the City Charter, the Planning Commission shall have the following powers and duties:

- (a) The Planning Commission and City staff shall carry on a continuous review of the effectiveness and appropriateness of this code and recommend to City Council any appropriate changes or amendments.
- (b) The Planning Commission shall hear and make recommendations to the City Council regarding amendments to this code, including rezoning requests, following the procedure outlined in *Section 155.173*.
- (c) The Planning Commission shall render recommendations on conditional use applications and site plans to City Council, unless otherwise specifically provided.
- (d) The Planning Commission shall keep minutes of its proceedings showing the action of the commission and the vote of each member upon each question or, if absent or failing to vote, indicating as such. The commission shall act by resolution. Minutes and the records of all official actions shall be filed with the clerk of Council and kept as a public record.
- (e) The concurring vote of three Planning Commission members shall be necessary to take any action authorized by the code.
- (f) Before a zoning application is approved, the commission shall make an affirmative finding that specific provisions of controlling sections of the code have been met or exceeded.
- (g) The Planning Commission shall adopt rules and procedures governing its activities, which shall be filed with the Clerk of Council.

155.173 Powers and Duties of the City Council

With regard to this zoning code, the City Council shall have the following powers and duties:

- (a) Upon receipt of a recommendation by the Planning Commission, the City Council shall decide upon amendments to this code and amendments to the zoning map (rezoning), according to the procedure in *Section 155.193*. It shall decide on Conditional Use applications within 30 days of a recommendation from the Planning Commission.

155.174 Procedure on Appeals

- (a) Hamilton County District Court shall hear and decide upon appeals of the decisions of the City Council in matters relating to the Planning Commission or the Board of Zoning Appeals.

155.175 Architectural Review Board

- (a) Establishment. There is established an Architectural Review Board consisting of three members to be appointed by the Mayor.

- (b) Intent. The Architectural Review Board shall assist and advise the Planning Commission on the design, amenities, quality, relationships to natural features, existing buildings and all other aspects of the site development plan which relate to the appearance of an entire project, all of its parts and its surroundings. All standards, regulations and criteria, contained in this zoning ordinance, shall be considered by the Board in its review.
- (c) Terms and qualifications. Each member shall be appointed for a term of two years. One member of the Architectural Review Board shall be a registered architect and the second member shall be a landscape architect, architect or a person skilled in the general field of aesthetics and design, and the third may be any member of the community.
- (d) Meetings. The Planning Commission shall determine and advise the Architectural Review Board on the schedule of meetings in order that applications can be process expeditiously.
- (e) Conflict of interest. No person appointed to the Architectural Review Board shall participate in the review of, or give advice upon, any work in which he or she, his or her partner or professional associate or associates has any direct or indirect interest.
- (f) Compensation. Compensation shall be paid each member of the Architectural Review Board as is fixed by Council. With the submission of each application the Building and Zoning Official shall require a deposit to be made by the developer to cover a review expense in such amount as Council shall require.
- (g) Review procedures of application. After receipt of a complete submission of an application, the Planning Commission may refer all proposed site development and building plans filled with it to the Architectural Review Board for purposes of review and report:
 - (1) Submission of applications. All applications for building permits with accompanying drawings, renderings, data and material samples to be used, shall be submitted to the Building Official. After processing the same, he or she shall submit such applications as provided in this section.
 - (2) Multi-family, institutional, business, commercial and industrial buildings. The Architectural Review Board shall submit to the Secretary of the Commission, all applications for multi-family, institutional, business, commercial and industrial buildings for Commission review of the proposed use, parking, setbacks and yard requirements for conformance with the provisions of this zoning ordinance and any supplementary rules and regulations which have been adopted and published. This requirement shall affect both new construction and alterations or additions to existing buildings of these types.
 - (3) Application review. Upon receipt of the application, the Secretary of the Commission shall transmit a copy of such application of the Board for its review, report and recommendations. The Board shall, within 30 days for receiving such application, provide and furnish to the Commission its report upon its respective jurisdiction. Within 60 days after an application has been filed with the Secretary or such longer time as agreed upon by the developer and Commission, the Commission shall evaluate the development proposal and report of the Board, and shall make a finding either that the proposal complies with regulations, standards and criteria prescribed by this chapter applicable to the proposal, or a

finding of any failure of such compliance and shall approve, disapprove or modify such proposal.

(4) Approval. If the application for building permit is approved by the Commission as required in this section, the Director shall issue a building permit.

(5) Failure to act. If the Architectural Review Board fails to act within 30 days after it has received the application for a building permit from the Commission, the Commission shall consider the application as recommended for approval by the Board.

(h) Report. Three copies of the report of the Architectural Review Board shall be prepared. One shall be filed with the Planning Commission for its use, one shall be filed with the Clerk of Council and shall be open to public inspection and one copy shall be retained by the Board. The Board shall complete its report and recommendation within 30 days after referral of an application by the Commission.

(i) Standards and criteria. The following standards and criteria are established to guide the Architectural Review Board in its review of development proposals.

(1) Materials. Materials shall be appropriate for the use of building, for weathering and for relationships to other materials including those used on adjacent buildings.

(2) Colors and textures. Colors and textures shall be appropriate for the size and scale of the building, weathering and for relationships to the site and adjacent buildings.

(3) Architectural details and ornaments. Architectural details and ornaments shall be meaningful to the overall design and appropriate for the size and scale of the building and for weathering.

(4) Mechanical equipment. Mechanical equipment shall be considered as it affects rooftop appearance, sidewall openings, sound levels, smoke and other nuisance aspects. Also, mechanical equipment shall be considered as it relates overhead wires, gas and electric meter stations, and any other visible appurtenances.

(5) Approaches, drives and parking areas. Approaches, drives and parking areas shall be considered as they affect the appearance from the street and from the site as well. The relationship of paving to the building shall be appropriate considering factors such as safety, drainage and landscaping.

(6) Landscaping. Landscaping shall be appropriate for the size and use of the area, and for its relationship to building, street, parking areas, walks and adjacent buildings.

(7) Lighting. Lighting shall be considered for the appropriateness of nighttime illumination of the grounds, drives, walks, parking areas, the building and its affect upon surrounding areas.

(8) Signs. Signs shall be considered for appropriateness of size, scale, shape, color and illumination in relation to building site.

Chapter 155.18 Board of Zoning Appeals

155.181 Appointment, Meetings and Quorum

- (a) A Board of Zoning Appeals shall consist of five members and shall be appointed in accordance with Article VI, *Section 6.04* of the City Charter. Members of the Board at the date of passage of this zoning code may continue to serve the full terms of their original appointments.
- (b) The Board of Zoning Appeals shall adopt rules and regulations for the conduct of its business, consistent with this code.
- (c) Meetings of the Board shall be held at such times as the Board may determine. All meetings shall be open to the public.
- (d) *Requirements for Meetings.*
 - (1) The presence of three members shall constitute a quorum.
 - (2) The Board shall keep minutes of its proceedings that record each action of the Board and the vote of each member upon each question or, if absent or failing to vote, indicating such fact.
 - (3) Minutes and the records of all official actions shall be filed with the clerk of Council and kept as a public record.

155.182 Powers and Duties

In addition to any powers and duties granted the Board in the City Charter, the Board of Zoning Appeals shall have the following powers and duties:

- (a) The Board shall hear administrative appeals from any affected or aggrieved person where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by an administrative official or body charged with the enforcement and administration of this zoning code.
- (b) Where there are practical difficulties preventing a property owner from conforming with the strict requirements of this code, the Board shall hear requests for area variances to the code's requirements.
- (c) The Board may approve the reconstruction of a nonconforming use or expansion of a nonconforming structure, according to *Section 155.203*.
- (d) The Board shall not have the authority to grant a variance to permit the establishment of any use which is not otherwise permitted in a zoning district.
- (e) The Board shall have such other powers and duties as specified elsewhere within this code, or as directed by the City Council, in accordance with the intent and purpose of this code.

155.183 Application Procedures

- (a) All applications made to the Board shall be on a form approved by the Board and filed with the zoning administrator. The hearing shall be scheduled within a reasonable time, allowing for all required notifications. The application shall be accompanied by a fee in an amount determined by resolution of the City Council and the following:
 - (1) An application for an administrative appeal may be filed by any affected property owner, tenant, governmental officer, department, board or bureau and shall refer to the specific administrative decision being appealed and include the appellant's reasoning in support of the appeal. The zoning administrator shall transmit to the

- Board of Zoning Appeals the application for the administrative appeal, together with all documentation constituting the record upon which the appealed action was taken.
- (2) An application for a variance shall describe the details of the variance, including the specific requirement of this code from which a variance is sought. The applicant shall specifically address and answer each of the variance standards, as identified in *Section 155.184(a)(1)A-F*. The application shall also be accompanied by a plan, which shall include at minimum the following:

- A. Legal description of the property;
- B. The boundaries and dimensions of the lot;
- C. The size and location of existing and proposed structures and off-street parking and loading spaces;
- D. Existing and proposed use of all parts of the lot and structures;
- E. Any other information that the Board of Zoning Appeals deems necessary to make a decision on the application.
- F. The board may require drawings to be based upon a survey that is no more than ten years old, completed by a licensed surveyor.

- (b) A notice stating the time, place and object of the hearing shall be served personally or by mail at least ten days prior to the day of the hearing to the applicant or appellant and to all other persons specified in the Board of Zoning Appeals rules of procedure. The notices, if served by mail, shall be sent to the last known address of the respective property owners as appearing on the Hamilton County auditor's current tax list. The zoning administrator shall also cause notice of the hearing to be published in a on the City's website with the purpose of the meeting. Any party may appear at the hearing in person or by agent or attorney.

155.184 Variances

The Board's power to grant variances from the dimensional provisions of the zoning code, including by way of example, lot size, width, setbacks, parking requirements and height, shall be in harmony with the intent and purposes of the code, as provided below.

- (a) *Variance Standards*. Variances from the terms of the code shall be granted only where the applicant shows that the strict application of a zoning requirement causes practical difficulties in the use of the property. The factors to be considered and weighed by the Board in determining whether a property owner has encountered practical difficulties in the use of the property include, but are not limited to:
- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (2) Whether the variance is substantial;
 - (3) 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;
 - (4) Whether the variance would adversely affect the delivery of governmental services such as water distribution, sanitary sewer collection, electric distribution, storm water collection, or refuse collection;
 - (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
 - (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

- (7) Whether the existing conditions from which a variance is being sought were self-created; and
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

(b) The Board shall determine, after weighing the factors described above and any other factors the Board deems relevant, whether the property owner has shown practical difficulties so inequitable as to justify granting a variance to the property owner.

155.185 Administrative Appeal

- (a) An administrative appeal of an order, requirement, decision or determination by the zoning administrator or body charged with enforcement and administration of this code must be submitted no more than 20 calendar days after the action or decision has been made that is being appealed.
- (b) A submitted application for an administrative appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to City Council, after the notice of appeal is filed, that by reason of facts stated in the application, a stay would cause imminent peril to life and property. In such case, and upon concurrence by the Council, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record.
- (c) In deciding the appeal, the Board shall determine whether or not the decision that was made was done so using the proper requirements and standards in this code. The decision of the Board is limited to the information that was available to the administrative official or body who made the decision being appealed.
- (d) *Decision.* After the Board of Zoning Appeals public hearing and review, the Board of Zoning Appeals may determine to reverse or affirm, wholly or in part, or may modify the administrative decision. When the Board reverses the administrative decision, the Board shall have all powers of the zoning administrator or administrative body from whom the appeal is taken.

155.186 Decisions of the Board

- (a) The Board shall decide all applications and appeals within 30 days after the completion of a hearing unless appellant agrees to a longer period. The decision shall be binding upon the zoning administrator. The terms of the Board's decision, including any conditions imposed, shall be incorporated in subsequent permits and official authorizations pertaining to the subject site.
- (b) The concurring vote of three members of the Board shall be necessary to reverse an order, requirement, decision or determination of the zoning administrator or body charged with enforcement and administration of this code, to grant a variance from the requirements of this code, or to decide in favor of the applicant on any other matter. Abstentions or recusals shall count as votes concurring with the majority of those voting if a majority exists.
- (c) Every variance granted by the Board shall expire and be of no force or effect after twelve months from the date of granting by the Board, unless the applicant has made substantial progress toward achieving the approved construction.
- (d) Decisions of the Board of Zoning Appeals may be appealed to Hamilton County District Court.

Chapter 155.19 Amendments and Rezoning

155.191 Initiation of Amendments

Amendments to this zoning code and the official zoning map may be initiated by:

- (a) The City Council, upon approval of a motion;
- (b) The Planning Commission, upon approval of a motion;
- (c) Any citizen, person, firm or corporation with an interest in property within the City who submits an application in the proper form, along with required fees, may request a rezoning of property in which case the applicant shall show proof of ownership or other legal interest in the property in question. A citizen, person, firm or corporation may request the Planning Commission or City Council to initiate a text amendment.

155.192 Review Guidelines

In making a decision on proposed text or map amendments to the zoning code, the following guidelines may be considered by the Planning Commission and City Council:

- (a) *Text Amendment*. The proposed amendment would:
 - (1) clarify the intent of the code;
 - (2) correct an error in the code;
 - (3) address changes to state legislation, recent case law or opinions from the Attorney General of the State of Ohio;
 - (4) affect the implementation of the Mt. Healthy Comprehensive Plan and the Healthy Hilltops document;
 - (5) promote compliance with changes in other county, state or federal regulations;
 - (6) in the event the amendment would add a use to a district, that use would be fully consistent with the purpose of the district and the character of the range of uses provided for within the district;
 - (7) not create incompatible land uses within a zoning district;
 - (8) be supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items;
 - (9) if applicable, be consistent with the City 's ability to provide adequate public facilities and services; and
 - (10) be consistent with the City 's desire to promote the public health, safety, convenience, comfort, prosperity and general welfare of the community.
- (b) *Zoning Map Amendment (Rezoning)*. The rezoning and the uses permitted in the proposed district:
 - (1) are consistent with the goals, policies and future land use map of the Mt. Healthy Comprehensive Development Plan and the Healthy Hilltops document; or, if conditions have changed significantly since the plan was adopted, is consistent with recent development trends in the area;
 - (2) are compatible with the site's physical, geological, hydrological and other environmental features;
 - (3) are compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts;
 - (4) can be accommodated on the subject property, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting; and

(5) do not result in a spot zone.

155.193 Amendment Process

- (a) All petitions for amendments to this zoning code shall be in accordance with *Section 155.191(c)*, filed with the zoning administrator in writing, signed and accompanied by a fee established by resolution of the City Council.
- (b) At all times during the process, the text of proposed changes and associated maps and reports from the Planning Commission, shall be open for inspection in the office of the clerk of Council or in some officially designated location
- (c) The zoning administrator shall forward the application to the Planning Commission upon a determination that the application is complete. Incomplete applications shall be returned to the applicant and shall not be processed further until fully completed.
- (d) All petitions for amendments and rezoning, without limiting the right to file additional material, shall contain the following:
 - (1) The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
 - (2) The nature and effect of the proposed amendment.
 - (3) If an individual property or several adjacent properties are proposed for rezoning, a location map, showing the location of the properties generally in the City, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), the zoning classification of all abutting properties, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.
 - (4) Any changed or changing conditions in the area of the proposed rezoning or in the City which make the proposed amendment reasonable and necessary to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
 - (5) All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
- (e) *Public Hearing and Notice; Planning Commission Action.*
 - (1) The Planning Commission shall make a recommendation upon an application for amendment or rezoning within 30 days after the public hearing is closed.
 - (2) The Planning Commission shall hold a public hearing on any amendment or rezoning, notice of which shall be posted on the City's website at least ten days prior to the hearing. All notices of public hearing shall state the time, date, place and purpose of the public hearing. A notice for a rezoning shall also include a map of the affected area.
 - (3) If the application is for rezoning ten or fewer parcels, the same notice shall be mailed no less than 20 days prior to the date of the hearing, to all property owners abutting and across the street from the subject parcel. Notices shall be sent to the last known address of the respective property owners as appearing on the Hamilton County auditor's current tax list.
 - (4) At least ten days prior to the scheduled public hearing for a rezoning, a temporary sign approximately six square feet in area shall be posted by the City on the property subject to the rezoning request. The sign shall be removed within three days following the public hearing at which the request was heard. The sign shall contain the following information:

- A. The specific request being made,
 - B. Date of the public hearing,
 - C. Location of the public hearing, and
 - D. Location where additional information may be obtained regarding the request.
- (5) At the public hearing, the Planning Commission shall consider the merits of the case, as well as public testimony, and make a recommendation to approve or deny the amendment in question, following the review guidelines of *Section 155.192*. The commission shall submit its recommendation to the City Council no more than 30 days after the public hearing has closed unless the applicant agrees to a longer period.
- (f) *City Council Action*. Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing on the amendment, after publication and notice in accordance with the process outlined in subsection (e), above.
- (g) *Modification*. The City Council may modify and subsequently adopt the proposed amendment, adopt it as presented by the Planning Commission or deny the amendment. The Council may refer any proposed modifications back to the Planning Commission for additional review and recommendation.
- (h) *Ordinance*. All amendment and rezoning approvals shall be by ordinance.
- (1) It is recognized that there exist within zoning districts certain uses, buildings, structures and lots that were lawful before this code was passed or amended, but are now prohibited, regulated or restricted under the terms of this code. It is the intent to permit these legal nonconformities to continue until they are removed, but not to encourage their continuance.
 - (2) Nonconforming uses, buildings, structures and lots are declared by this zoning code to be incompatible with the provisions of the districts in which they are located. It is the intent of this code that these nonconformities shall not be enlarged, expanded, or extended, except as otherwise permitted in this chapter, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
 - (3) Nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been diligently conducted.
 - (4) Nothing in this chapter shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of any regulation in effect at the time of the adoption of this code.

Chapter 155.20 Nonconforming Uses, Buildings and Lots

155.201 Purpose

- (a) It is recognized that there exist within zoning districts certain uses, buildings, structures and lots that were lawful before this code was passed or amended, but are now prohibited, regulated or restricted under the terms of this code. It is the intent to permit these legal nonconformities to continue until they are removed, but not to encourage their continuance.
- (b) Nonconforming uses, buildings, structures and lots are declared by this zoning code to be incompatible with the provisions of the districts in which they are located. It is the intent of this code that these nonconformities shall not be enlarged, expanded, or extended, except as otherwise permitted in this chapter, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
- (c) Nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been diligently conducted.
- (d) Nothing in this chapter shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of any regulation in effect at the time of the adoption of this code.

155.202 Non-Reversion

Any nonconforming use or structure that is changed, in whole or in part, for any reason to a conforming use or structure, or to a use or structure that is closer to conformity than it was prior to the change, shall to that extent thereafter continue to be used or arranged for a conforming use or more conforming use, or shall continue to be a conforming or more conforming structure, and shall not revert to its prior nonconforming status, or to a less conforming use or structure, at any time in the future.

155.203 Nonconforming Uses

- (a) A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building than was occupied at the effective date of adoption or amendment of this zoning code.
- (b) No part of any nonconforming use shall be moved unless that movement eliminates or reduces the nonconformity.
- (c) If a nonconforming use is abandoned for any reason for a period of more than one year, any subsequent use shall conform to the requirements of this code. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - (1) Utilities, such as water, gas and electricity to the property, have been disconnected;
 - (2) The property, buildings, and grounds, have fallen into disrepair;
 - (3) Signs or other indications of the existence of the nonconforming use have been removed;
 - (4) Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
 - (5) Other actions which, in the opinion of the zoning administrator, constitute an

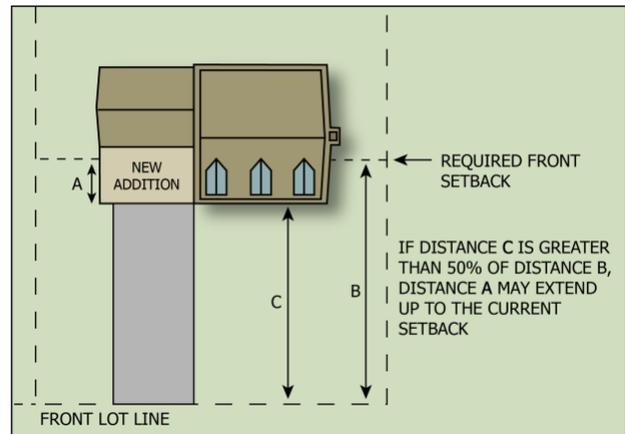
intention on the part of the property owner or lessee to abandon the nonconforming use.

- (d) A building or structure containing a nonconforming use, other than a single-family detached dwelling, which is damaged by explosion, fire, flood, wind or other Act of God to the extent of 50 percent or more of its replacement value immediately prior to damage, shall not be reestablished except in conformance with the requirements of this zoning code, unless an exception is granted by the Board of Zoning Appeals in accordance with subsection (e), below. In the event that the zoning administrator's estimate of the extent of damage or replacement value is not acceptable to the property owner or applicant for a zoning permit to repair or reconstruct the building or structure, the applicant may appeal to the Board of Zoning Appeals.
- (e) The Board of Zoning Appeals may permit a building containing a nonconforming use to be enlarged, provided that the board finds that all of the following are true:
 - (1) The enlargement is necessary and incidental to the existing use of the building.
 - (2) The enlargement conforms to the height, yard and area requirements of the zoning district in which it is located.
 - (3) The enlargement does not prevent the future use of the structure for a conforming use.
 - (4) The enlargement is not detrimental to present and potential surrounding uses, will be in harmony with the general purpose and intent of this zoning code and will not be injurious to the neighborhood or otherwise detrimental to the health, safety and general welfare of the residents of the City.
- (f) A detached single-family residential dwelling that is nonconforming because it is in a Business, Industrial or other district where it is now disallowed shall be considered conditionally permitted, and it may be enlarged, extended or structurally altered, provided that it meets the requirements for a single family dwelling in the C District. If the dwelling is damaged by explosion, fire, flood, wind or other Act of God to the extent of 50 percent or more of its replacement value immediately prior to damage, it may be reconstructed, provided that no nonconformity is increased and no new nonconformity is created.
- (g) Any change to a nonconforming use may only be toward bringing the use into conformance; however, a nonconforming use may be changed to another nonconforming use provided all of the following determinations are made by the Board of Zoning Appeals:
 - 1.) The proposed use shall be as compatible, or more compatible, with the surrounding neighborhood than the previous nonconforming use, considering factors such as hours of operation, traffic, noise and similar external impacts.
 - 2.) The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building area than the previous nonconforming use.
 - 3.) That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this zoning code.

155.204 Nonconforming Buildings and Structures

- (a) Where a lawful nonconforming building or structure exists at the effective date of this zoning code, or an amendment thereto, that does not comply with the requirements of this code because of restrictions such as floor area, lot coverage, width, height, or setbacks, that building or structure may continue to be occupied and used as long as it remains otherwise lawful, subject to the following provisions:

(1) No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by 50 percent or less of the distance required by this code. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.



(2) In the event that a nonconforming building or structure is destroyed to an extent of more than 50 percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this code; provided that the Board of Zoning Appeals may, upon application, permit the reconstruction of the nonconforming building or structure if all of the following conditions are met:

- The prior nonconforming condition(s) shall not be increased.
- The new building or structure shall be placed on the original foundation, unless the building or structure could be so located as to reduce the extent of its nonconformity on the lot.
- The application to reconstruct the nonconforming building or structure shall be filed with the zoning administrator within six months of the event in which the building or structure was damaged or destroyed.
- The reconstruction of the building or structure shall not be detrimental to adjacent property and the surrounding neighborhood.

(3) If a nonconforming building or structure is moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this code.

(b) None of the provisions of this section are meant to preclude normal repairs and maintenance on any nonconforming building or structure, nor intended to prevent strengthening or correcting any unsafe condition.

155.205 Nonconforming Lots of Record

A lot of record that exists at the time of adoption or amendment of this code that does not meet the minimum requirements for lot width or lot area may be used for any permitted use in the district in which the lot is located, provided that any building or structure constructed on the lot complies with all other requirements of the zoning district. The nonconforming lot may also be used for conditional uses, if it meets all applicable requirements for those uses.

155.206 Burden of Proof

The burden of establishing that any use or structure is lawfully non-conforming under the provisions of the zoning code of Mt. Healthy, shall, in all cases, be upon the owner of such

nonconformity and not upon the City.

155.207 Zoning Certificates for Legal Non-Conformities

(a) The owner of any non-conforming use, structure, or lot shall apply to the Building and Zoning Department for a Zoning Certificate of Non-conformance to establish the legality of such non-conformity as of a specified date or shall apply if the owner asserts any non-conforming use, structure, or lot as a defense to an alleged zoning violation.

(b) If, upon reviewing the an application for a Zoning Certificate of Non-conformance, the head of the Building and Zoning Department determines that the use, structure, or lot in question was lawfully existing at the time of the effective date of the provision creating the non-conformity in question, and remains lawfully existing subject only to such non-conformity at the time of such application, and that any required affidavit is in order, the head of the Building and Zoning Department shall issue a Zoning Certificate of Non-conformance, evidencing such facts and setting forth the nature and extent of the non-conformity. Otherwise, the head of the Building and Zoning Department shall refuse to issue such certificate and shall declare such use, structure, or lot to be in violation of the Zoning Code of Mt. Healthy.

155.208 Fees

Any application for Zoning Certificate of Non-conformance or other request for action pursuant to the regulations of this chapter shall be subject to and accompanied by a fee as established by the City Council. Such fees shall be collected in advance of any application review, inspection, or issuance of any certificate or approval.

Chapter 155.21 Definitions

155.211 Interpretation

Words used in the code shall have their customary meaning, unless specifically defined here.

155.212 Definitions: A-B

Accessory dwelling unit. A second dwelling unit subordinate to the principal dwelling that shares ownership and utility connections with the principal unit on a single family zoned lot.

Accessory structure. A detached subordinate structure, the use of which is incidental to, customarily associated with, and related to the principal structure or use of the land and which is located on the same lot as the principal structure or use.

Accessory use. A use incidental to, and on the same lot as, a principal use.

Addition. Any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area, such as a porch, attached garage or carport, or a new room or wing.

Affordable dwelling unit. A dwelling available to low income households earning 80% or less of area median income as defined by the U.S. Department of Housing and Urban Development, for which total housing costs are 30% or less of the household's total monthly gross income.

Affordable dwelling unit, permanently. A dwelling unit in which a legal mechanism such as a ground lease, enforceable deed restriction, and/or 501(c)3 nonprofit organization's policy ensures affordability, as defined by HUD, to low income households for some extended time period, usually ending with the durable life of the unit(s).

Agribusiness. A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals (but not including slaughtering, rendering or tanning); veterinarian and/or technical support facilities.

Agricultural. The use of land for farming, dairying, pasturage, agriculture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce. Agricultural uses shall not include the commercial feeding of garbage or offal to swine and other animals.

Alley. A public right-of-way thirty feet or less in width, but not less than twelve feet, which affords only secondary means of access to abutting property.

Alterations, structural. Any change in the supporting members of a building, such as walls, floors, columns, beams or girders.

Aquifer. A geological unit in which porous and permeable conditions exist and are capable of yielding usable amounts of water.

Aquifer recharge area. An area that has soils and geological features conducive to allowing significant amounts of surface water to percolate into ground water.

Awning. A roof-like structure, generally made of canvas or plastic, mounted above a storefront, window or door and projects from the building wall as an architectural detail and provides shelter from sun and rain.

Bar. A lounge, tavern, beer parlor, night club or similar establishment principally operated for the sale of alcoholic beverages to be served on the premises.

Basement. A story, all or partly underground, having at least one-half of its height below the average level of the adjoining ground.

Bed and breakfast inn. A house, or portion thereof, where short-term lodging rooms and breakfast and light snacks are provided and where the operator lives on the premises or in adjacent premises.

Board. The Board of Zoning Appeals for the City of Mt. Healthy.

Boarding house, rooming house or lodging house.

A building, or part thereof, other than a hotel, motel or restaurant, for three or more unrelated persons, not transients, where no meals are served and no cooking or dining facilities are available in individual rooms.

Buffer. A strip of land which provides visual separation and aesthetic relief between potentially incompatible uses through some combination of screen and greenbelt.

Building. Any structure attached to the ground, which has a roof and walls or rood supports and is designed or intended for the enclosure, shelter or protection of persons, animals or property. This definition does not include mobile homes.

Building envelope. The maximum three dimensional volume on a lot within which a structure can be built, as permitted by applicable height and setback requirements.

Building, height. The vertical distance from the proposed average finished grade to the highest point of the roof for flat and shed roofs, the ridge for hip and gable roofs and the deck line for mansard and gambrel roofs.

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is located.

Business districts. The CBD, and E zoning districts.

1255.213 Definitions: C-D

Canopy. A rigid, permanent cover over a walkway, attached to a building (see "awning").

Carport. An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides and designed or used for the storage of motor vehicles.

Certificate of Occupancy. A permit authorized and issued by the zoning administrator certifying that the use of the building or land in question is in conformity with this code or that a legal variance has been approved.

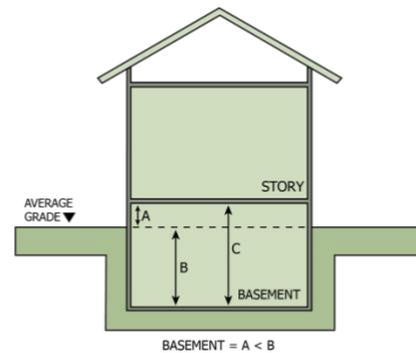
Church (place of worship). A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical professionals, psychologists or social workers.

Cluster housing. An arrangement that allows detached dwelling units to be grouped in such a way as to trade the open space usually surrounding individual structures for common open space.

Code. The Zoning Code of the City of Mt. Healthy, Title Fifteen, Zoning, of Part Five, the Planning and Zoning Code of the Mt. Healthy, Ohio Code of Ordinances.

Cohousing. A type of intentionally developed community composed of private dwellings, supplemented with shared facilities such as common open space, parking, cooking, dining,



recreation, gardening, child care, offices and internet access. Decisions are generally made by consensus of the owners within the cohousing community.

Commercial vehicle.

- (1) Vehicles, owned by and registered to a business or organization, used to transport commercial goods or materials or used to provide a commercial service;
- (2) Tractor cabs used for hauling semi-trailers;
- (3) All vehicles, including passenger vehicles, affixed with signs advertising or identifying an establishment, product, service or activity;
- (4) Mobile mechanized equipment, such as cranes, bulldozers, trenchers, tractors, compressors and similar equipment.

Commission. The Planning Commission of the City of Mt. Healthy.

Community garden. One or more plots of land gardened collectively by a group of people.

Comprehensive Plan. The document adopted by the Planning Commission and/or City Council which establishes the goals, objectives and policies related to future land use and the general location and extent of present and proposed community facilities.

Conditional use. A use generally compatible with other uses in a zoning district. The use requires individual review and approval of its location, design, configuration and density and intensity and may require imposition of conditions to ensure the appropriateness of the use at a particular location by the Planning Commission.

Conservation area. An environmentally sensitive land protected from activities that would significantly alter its ecological integrity, balance or character.

Conservation easement. An easement granting the right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition.

Continuing care retirement community. A facility or complex of buildings and structures designed for and occupied by persons 55 years or older and persons with disabilities that provides a range of housing and lifestyle choices, including independent living, assisted living and skilled nursing care in an integrated system.

Council. The City Council of the City of Mt. Healthy.

Day care, family. A private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

Day care, group. A private home in which seven, but not more than twelve minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

Density, gross. The number of dwelling units meeting the minimum area requirements of the district to be located on a parcel of property, divided by the total acreage of that property.

Density, net. The dwelling unit density of a particular area measured by the number of dwelling units meeting the minimum area requirements of the district divided by the total number of acres, excluding public rights-of-way and private easements.

Dormitory. A building used as group living quarters for a student body, religious order or other group as an accessory use to a college, university, boarding school, orphanage, convent or other similar use. Kitchen facilities are not provided in each room/unit but there may be a group kitchen facility to serve all residents.

Drain. A watercourse, gully, dry stream, creek, ditch or pipe which carries storm water runoff.

Drive-in or drive-thru facility. An accessory use for a business (such as a bank, restaurant,

dry cleaners or pharmacy) where the delivery of customer services is done, usually from within the building via a service window while patrons are in their motor vehicle. Z

Dwelling unit. A permanent building or portion of a building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family as a single housekeeping unit, but not including hotels/motels, recreational vehicles, tents or portable buildings.

Dwelling:

- (1) Dwelling, multiple family. A building designed for occupancy by three or more families living independently of one another.
- (2) Dwelling, single-family. A detached building designed exclusively for and occupied exclusively by one family.
- (3) Dwelling, single family attached. A multiple family building containing at least three dwelling units; in which each unit has its own front and rear access to the outside on the ground floor; and where units share one or more common walls but not a common floor/ceiling
- (4) Dwelling, two-family. A building consisting of two dwelling units or designed for or used by two families or housekeeping units living independently of one another. May also be referred to as a duplex.
- (5) Dwelling, manufactured home. See "manufactured home."

155.214 Definitions: E-F-G

Easement. The legal right for a person, government, agency or public utility company to use public or private land owned by another for a specific purpose.

Essential services. The erection, construction, alteration or maintenance, by public utilities or municipal or other government agencies, of underground gas, electrical, steam or water transmission or distribution systems, or collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or personal wireless service facilities.

Family. One or more persons living together as a single housekeeping unit, in a dwelling, as distinguished from a group occupying a boarding house, lodging house, short-term rental, dormitory, fraternity, sorority, motel or hotel.

Farm. Any parcel of land containing at least three acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including farm structures within the prescribed limits and the storage of farm equipment. Riding stables, dog kennels, establishments for the raising of fur-bearing animals and retail sales buildings offering products not produced on the premises shall not be considered a farm.

Farm animal. Any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals.

Farming, sustainable. A farm operation that employs practices to preserve or enhance water, soil and air quality during production, including no use of synthetic fertilizers, use of only

pesticides and herbicides approved by the USDA organic standards and animal access to pasture most of the year.

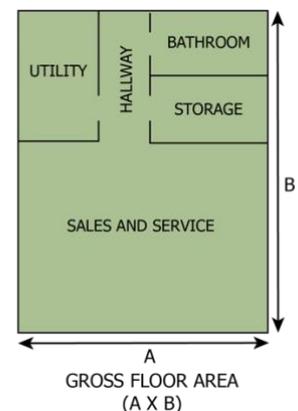
Fence. An enclosure or barrier, typically made of wood, masonry, stone, metal or combination of those materials, the purpose of which is to physically and/or visually contain certain uses or activities, prevent or control entrance, mark a boundary or act as a screen.

Flood (or flooding). A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.

- (1) Federal Emergency Management Agency (FEMA). The agency with overall responsibility for administering the National Flood Insurance Program.
- (2) Flood, base. A flood having a one percent chance of being equaled or exceeded in any given year (also be referred to as the 100-year flood).
- (3) Flood hazard area. The area possibly threatened by periodic flooding consisting of the floodplain, inclusive of the floodway and the floodway fringe area.
- (4) Flood hazard boundary map. The official map issued by FEMA where the areas of special flood hazard have been designated as Zone A.
- (5) Flood Insurance Rate Map (FIRM). An official map on which FEMA has delineated the areas of special flood hazard.
- (6) Floodplain. The area adjoining a river, stream, watercourse or lake subject to 100-year occurrence interval flood, as delineated by FEMA. The floodplain includes the stream tributaries, the floodway and the floodway fringe.
- (7) Floodway. The channel of a river, stream or other watercourse and the land areas of the floodplain adjoining the channel that are reasonably required to efficiently carry and discharge the flood water or flood flow of a river or stream and must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (8) Floodway fringe. The portions of the floodplain lying outside the floodway.

Floor area, gross. The sum of the horizontal area of the several floors of a building, measured from the interior faces of the exterior walls.

Floor area, residential. For purposes of computing compliance with the minimum floor area requirements of a dwelling in a residential district, floor area shall include the total area of all floors whose height is more than half above finished grade, having a minimum floor to ceiling height of seven and a half feet, located on a permanent foundation, wired for electrical service and heated for year-round use.



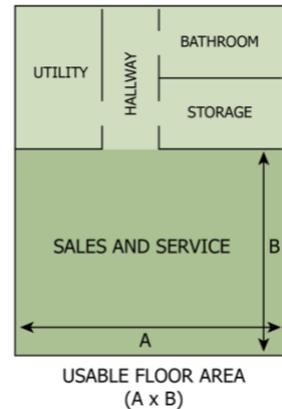
Floor area, usable. That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation.

Garage, private. A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles and/or incidental personal property of the occupants of the premises.

Garage, public. A principal or accessory building, other than a private garage, used for parking or temporary storage of passenger automobiles, recreational vehicles and/or incidental personal property, and in which service is provided for remuneration or barter.

Grade, average. The mean or midway point between the highest and lowest elevation of the ground abutting the existing or proposed location of each face of a building, wall or other area being measured. The measurement of average grade may include the following:

- (1) Grade, finished. The final grade of a site after grading, filling or excavating.
- (2) Grade, natural. The grade of a site that exists or existed prior to manmade alterations, such as grading, filling or excavating.



Green burial. This refers to the interment of the body of a dead person in the soil in a manner that does not inhibit decomposition but allows the body to recycle naturally without the use of embalming fluid or formaldehyde. It is also referred to as natural burial.

Greenbelt. A preserved linear landscaped area along one or more property lines, providing a defined edge and/or screening.

Group home, adult. A residential care facility licensed or authorized by the State of Ohio, or under contract to the State or a political subdivision thereof, which provides room and board, personal care and supervision for not more than eight elderly or mentally or physically handicapped persons over seventeen years of age.

Group home, juvenile. A residential care facility licensed or authorized by the State of Ohio, or under contract to the State or a political subdivision thereof, which provides room and board, personal care and supervision for not more than eight mentally or physically handicapped or delinquent juvenile persons under eighteen years of age.

155.215 Definitions: H-I-J-K

Hazardous substances. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or coming in contact with the material that is regulated by a governmental agency.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by:
 - A. an approved state program, as determined by the Secretary of the Interior; or
 - B. directly by the Secretary of the Interior in states without approved programs.

Home occupation. An occupation or profession conducted, as an accessory use in a dwelling or a detached accessory building on the same lot as a principal dwelling, by a member or members of the resident family and which is clearly accessory and incidental to the residential use of the lot. Also referred to as a "home-based business."

Hotel/motel. A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel (as distinct from a motel) contains a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

Impervious surface. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

Junk. Any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junk yard. An establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying or selling scrap or salvageable materials, including dismantled vehicles, or for the maintenance or operation of an automobile graveyard.

Kennel. Any premises used to board, house, breed, sell, train or treat more than three dogs, cats or other domestic pets who are more than six months old.

155.206 Definitions: L-M-N

Loading space. An off-street portion of a parcel or lot designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold or made on the premises.

Lot. A legally described and recorded parcel of land occupied or intended to be occupied by a principal building or group of buildings and accessory buildings, or utilized for a principal use and its accessory uses, together with such yards and open spaces as are required by this code.

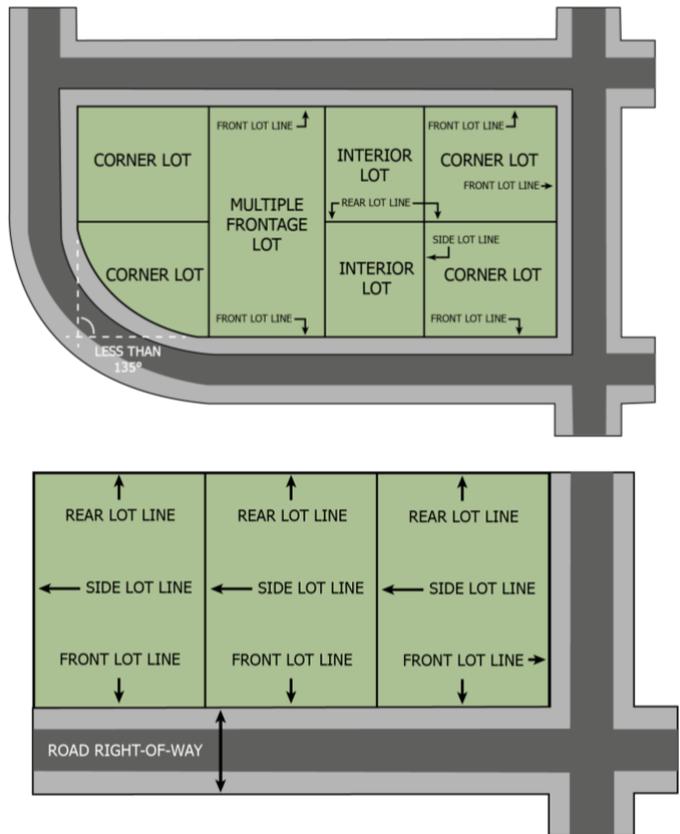
- (1) Lot, corner. A lot having contiguous frontage on two intersecting streets if the interior angle at the intersection of the streets is less than 135 degrees. Also, a lot located on a curved street or streets, if tangents of the curve, at the point of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.
- (2) Lot, interior. A lot other than a corner or through lot.
- (3) Lot, through. A lot having frontage on two approximately parallel streets or a water body and a street.

Lot area. The total horizontal area within the lot lines of the lot, excluding any street right-of-way or easement dedicated for street purposes.

Lot coverage. The part of the lot occupied by buildings or structures, expressed as a percentage, including accessory buildings or structures, but not including parking lots.

Lot lines. The lines bounding a lot, as defined below:

- (1) Lot line, front. In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. Through and corner lots shall have two front lot lines.
- (2) Lot line, rear. The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line.
- (3) Lot line, side. The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.



Lot of record. A lot that is separately described within an approved subdivision or a parcel of land surveyed and legally recorded with the City and county.

Lot width. The horizontal straight line distance between the side lot lines, measured at the two points where the front setback line intersects the side lot lines. On a corner lot this line shall be between the designated side and opposite front lot line of the lot;

Lowest floor. The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable requirements specified within the flood plain overlay district.

Manufactured home. A factory-built, single family structure, transportable in one or more sections, which is built on a permanent chassis in compliance with the National Manufactured Home Construction and Safety Standards (42 USC, sec. 4301) and designed to be used as a single family dwelling, with or without a permanent foundation, when connected to utilities. The term "manufactured home" includes "mobile home." Recreational vehicles and temporary

buildings are not included in this definition.

Mini-warehouse or self-storage facility. A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized and controlled access rooms, stalls or lockers for the storage of customer's goods or wares.

Mixed use. Two or more principal uses within the same building through superimposition or adjacency, or in multiple buildings by adjacency or at a close proximity.

Nonconforming building or structure. Any building or structure that was legally established and in existence at the time this code, or any amendment, was adopted and which does not conform to the current regulations of the district in which it is now located.

Nonconforming lot. Any lot of record that was legally established and in existence at the time this code, or any amendment, was adopted and which does not conform to the current regulations of the district in which it is now located.

Nonconforming use. Any use of land, building or structure that was legally established and operating at the time this code, or any amendment, was adopted and which is not permitted in the district in which it is now located.

Nursing home. A facility licensed as a rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for the aged, infirm, chronically ill, terminally ill, mentally incapacitated or convalescent persons, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment. The term does not include facilities devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

155.217 Definitions: O-P-Q

Open space. An area of land unoccupied by buildings, structures, storage or parking areas, except for recreational structures and which is generally for the purpose of active or passive recreation, environmental protection, preservation of scenic views or similar purposes. Open space does not include street rights-of-way or easements, or required yards.

Outdoor storage. Storing equipment, supplies, material, goods, products, inventory or other such items on property in a commercial or industrial district. This shall not apply to storage or keeping of yard equipment, firewood, play equipment or other items normally incidental to a residential use on the same property.

Overlay zone. A special purpose zoning district that encompasses all or a portion of one or more underlying zones and imposes additional requirements beyond those of the underlying zone(s).

Parking lot. An area not within a building where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

Parking space, off-street. An area of required size, exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley, but located totally outside of any street or alley right-of-way.

Permitted use. A use by right which is specifically authorized in a particular zoning district.

Person. A firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Personal services. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not

limited to, barber and beauty shops, watch repair, tailors and shoe repair shops.

Planned unit development. A lot or parcel of land, developed as a unit under single ownership or unified control, that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preservation of significant natural features, reduced lot sizes or similar attributes.

Planning commission. The Planning Commission of the City of Mt. Healthy.

Principal use. The main or primary use of land or structures, as distinguished from a secondary or accessory use.

Public utility. Any person, firm, corporation, municipality, board or commission duly authorized to furnish, under federal, state or municipal regulations, to the public electricity, gas, steam, communications (excluding wireless communications), telephone, transportation, sewer or water services; provided that this definition shall not include any person, firm or corporation engaged in radio or television broadcasting.

155.218 Definitions: R-S

Recreational vehicle. Vehicles or equipment used primarily for recreational or leisure purposes including, but not limited to, motor homes, camper trailers, travel trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies and similar vehicles and the trailers used to transport them.

Recycling center. A facility or location in which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Residential districts. The A,B, C and D Districts.

Restaurant. An establishment principally operated for the sale of food and beverages to be served for consumption on the premises, which may also include carry-out service or delivery of food through a drive-in and drive-thru facility for consumption off the premises.

Right-of-way. A strip of land dedicated for public use and occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or other essential services.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Techniques include fences, hedges, walls, berms or other such features.

Screen. A visual barrier that surrounds a potentially offensive or incompatible activity.

Setback. The required minimum horizontal distance between the line at which the building may be built and the related front, rear and side property lines.

Sexually oriented business. Those businesses defined by *Chapter 119* of the City of Mt. Healthy Code of Ordinances.

Short-term Rental Unit. A dwelling unit that is rented or leased to one person, family or entity on a weekly or monthly basis, but typically less than one year.

Sign. A device, structure, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.

- (1) Sign, balloon. A non-porous bag of material, with or without lettering on its surface, filled with air or gas and intended to draw attention to a business or other use on the premises on which it is located.
- (2) Sign, billboard. A sign which advertises an establishment, product, service or activity not available on the lot on which the sign is located.
- (3) Sign, business center. A sign advertising a shopping or business center, strip

- center, mall or any multi-tenant commercial, industrial or office use.
- (4) Sign, canopy. Any sign that is affixed to or printed on a canopy or awning.
 - (5) Sign, changeable message. A sign designed to permit immediate change of copy, either manually or electronically.
 - (6) Sign, community special event. A temporary sign calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other non-profit charitable, philanthropic, religious or benevolent organizations.
 - (7) Sign, construction. A sign which identifies the owners, lenders, contractors, architects and engineers of a project under construction.
 - (8) Sign, directional. A sign used to direct motor vehicle, bicycle and/or pedestrian traffic entering or leaving business establishments or shopping centers.
 - (9) Sign, freestanding. Any sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.
 - (10) Sign, gateway. A sign placed at the street entrance to a single family subdivision, multiple family development, planned unit development, industrial park or similar consolidated development, containing only the name of the subdivision or development.
 - (11) Sign, ground. A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign to be considered a ground sign.
 - (12) Sign, marquee. A sign that is part of or attached to a permanent roof-like structure or canopy of rigid materials supported by and extending from the building front.
 - (13) Sign, pole. A freestanding sign that is elevated above the ground on poles or braces and not attached to any building or other structure.
 - (14) Sign, political. Any sign dealing with candidates or issues appearing on a ballot in an election sanctioned by the Board of Elections.
 - (15) Sign, projecting. Any sign attached to a building or other structure and extending in whole or in part more than twelve inches from such structure.
 - (16) Sign, public service. Any sign whose purpose is solely to serve the public and which does not advertise a business.
 - (17) Sign, real estate. A sign advertising the real estate upon which the sign is located as being for sale, rent or lease.
 - (18) Sign, roof. Any sign erected upon a building or structure which extends above the roof line of the building or structure.
 - (19) Sign, temporary. A sign that is not permanent or affixed to a building or structure and, by its nature, may be or is intended to be moved from one location to another, such as "A" frame signs or signs on a movable trailer, whether rented or owned.
 - (20) Sign, wall. A sign painted, attached to or erected in a plane parallel to a wall, extending no more than 12 inches from the exterior face of the wall to which it is attached.
 - (21) Sign, window. A sign affixed to the glass on the outside or inside of a window, or erected within three feet of a window on the inside of a building so as to be seen from the outside of the building.

Site plan. A drawing, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific land parcel.

Skilled nursing care. Procedures that require technical skills and knowledge beyond those of an untrained individual and commonly employed in providing for the physical, mental and emotional needs of the ill or otherwise incapacitated.

Spot Zone. Singling out of a lot or small area for discriminatory or different treatment from that accorded surrounding land which is similar in character.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, and also any portion of a building used for human occupancy between the topmost floor and the roof.

Street. A public right-of-way fifty feet or more in width which provides a public means of primary access to abutting property, or any such right-of-way more than thirty and less than fifty feet in width, provided that it existed prior to November 18, 1971. The term "street" includes avenue, drive, lane, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Street Classification. A hierarchy of street types denoting their relative function and traffic-carrying capability.

(1) Arterial. A connected network of continuous routes serving intra-and interstate travel, as well as interurban travel. Arterials accommodate high traffic volumes generally at higher speeds. Access to abutting land is subordinate to moving through traffic. The following streets are classified as arterials:

A. Hamilton Avenue

(2) Collector. Those streets which collect traffic from local streets and channel it to arterial streets. Collector streets carry moderate traffic volumes and primarily provide for local traffic movements with a minor amount of through traffic. While traffic movement is an important function, collectors also provide for a higher degree of land access than arterials. The following streets are classified as collectors:

A. Compton

(3) Local. A street that provides direct access to adjacent land and access to higher street classifications. All streets not otherwise classified are local.

Structure. Anything constructed, erected or placed which requires location on the ground or attachment to something having location on the ground including, but not limited to: buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, decks and platforms; provided, however, that patios shall not be deemed structures if no part is above the ground and if it is located outside the minimum front, side and rear yard setback area. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas or retaining walls shall not be considered as structures for purposes of this code.

Subdivision. Shall mean:

(1) The division of any parcel of land shown as a unit or as contiguous units 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, however, that the division or partition of land into parcels 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 not be considered a subdivision for purposes of this code; or

- (2) 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 or streets 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 sanitary sewers, water lines, storm drainage or other public features.

155.219 Definitions: T-U

Temporary structure. A structure erected for a period of time not to exceed eighteen months for such use as construction offices or storage buildings at a construction site.

Use. The specific purposes for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained.

155.2191 Definitions: V-W

Variance. A relaxation or modification of the requirements of this code permitted by the Board of Zoning Appeals on individual parcels of property as a method of alleviating practical difficulty in meeting the minimum requirements of the code.

Vehicle repair, major. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning.

Vehicle repair, minor. A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing an repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.

Vehicle service station. Any land and building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion and may also include minor vehicle repair.

Vehicle wash. A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

Veterinary hospital or clinic. A building where care and treatment of small animals, including household pets, is provided.

Wholesale establishment. A business that engages in the sale of goods, merchandise and commodities for resale by the purchaser.

Wireless communication facility. The plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services.

Wireless communication tower. Any structure, such as a mast, pole, monopole, guyed tower or lattice tower that is designed and constructed primarily for the purpose of supporting one or more antennas.

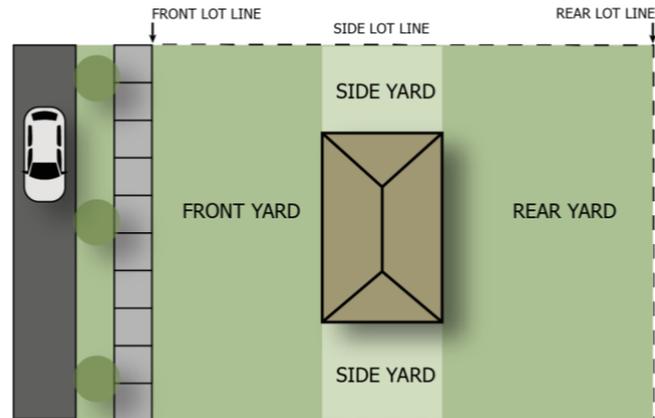
155.2192 Definitions: X-Y-Z

Yard. An unoccupied open space from the ground upward, between the building wall and the adjoining lot lines.

(1) Front yard. The space extending the full width of the lot between the nearest edge of a building and the front lot line.

(2) Rear yard. The space extending the full width of the lot between the nearest edge of a building and the rear lot line.

(3) Side yard. An open space extending from the front yard to the rear yard between the nearest edge of a building and the nearest side lot line.



Yard, required. That portion of the yard lying between the lot line and the required building setback line.

Zero lot line. A development method in which a building is sited along one lot line with no side yard on that side to allow more flexibility in the site design and to increase the amount of usable open space on the lot.

Zoning Administrator. The City Manager or the Manager's designee in the capacity as enforcer of the provisions of this Zoning Code.

Zoning district. A section of the City in which requirements for the use and dimensions of the land and buildings are prescribed.

Zoning permit. A written authorization issued by the Zoning Administrator verifying that proposed buildings, structures or uses are consistent with the terms of this zoning code for the district in which the building, structure or use will be located.