

# **PART ELEVEN - ZONING CODE**

NOTE: The 2001 Zoning Code was adopted in its entirety by Ordinance No. 01-236 on June 26, 2001.

## **TITLE ONE - General Provisions**

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## **TITLE TWO - Uses Permitted by District**

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- Chap. 1127. OFP Flood Plain Overlay District.
- Chap. 1128. OHP Historic Preservation Overlay District.
- Chap. 1129. OPD-H Planned Development Housing Overlay District.
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- Chap. 1135. Requirements for Specific Uses.
- Chap. 1136. Wireless Communication Facilities.
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## **TITLE FOUR - Principal Use and Structural Requirements**

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**CODIFIED ORDINANCES OF SPRINGFIELD  
PART ELEVEN--ZONING CODE**

**TITLE ONE - General Provisions**

Chap. 1101 General.  
Chap. 1102 Definitions.

**CHAPTER 1101**

**General**

- 1101.01 Title.**
- 1101.02 Purpose.**
- 1101.03 General effect on this chapter.**
- 1101.04 Interpretation.**
- 1101.05 Severability.**
- 1101.06 Repeal of conflicting ordinances.**
- 1101.07 Effective date.**
- 1101.08 Temporary emergency recovery uses following a disaster.**
- 1101.09 Exemptions.**

**1101.01 TITLE.**

This ordinance shall be known and may be cited as the "Zoning Code of the City of Springfield," except as referred to herein, where it shall be cited as the "Springfield Zoning Code."

**1101.02 PURPOSE.**

This ordinance is enacted for the general purpose of promoting the public health, safety, comfort and welfare of the residents of the City of Springfield; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this ordinance, including the provision of penalties for its violation; and for any other purpose provided in this ordinance, The City of Springfield's Charter, the Ohio Revised Code, or under common law rulings.

**1101.03 GENERAL EFFECT OF THIS CHAPTER.**

Except as otherwise provided in this code, the use of property and structures shall be in accordance with the minimum standards established in this code.

- (a) No structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limits, the area regulations, yard regulations, and off-street parking and loading requirements established for the district in which the structure is located.
- (b) The yards, parking and loading spaces, or lot area required for one structure or use under this code may not be used to meet the requirements for another structure or use.
- (c) Every use established or structure erected or structurally altered shall be located on a lot, and the number of uses and structures permitted on a lot shall be as follows:
  - (1) In the RS districts, there shall not be more than one (1) principal permitted use or building, or provisional use or building, nor a conditional use in conjunction with another principal use on a lot. There may, however, be more than one (1) conditional use or building and more than one (1) accessory use or structure on a lot.
  - (2) In all districts except the RS districts, there may be more than one (1) principal use, building, and accessory use and structure on a lot.
  - (3) Except for open off-street parking, an accessory use or structure shall not be located on a lot without a principal use to which it is accessory.
- (d) No use which is permitted as a conditional use under this code shall be established or enlarged except as permitted by the Board of Zoning Appeals.
- (e) No use or structure shall be permitted on a lot that is not specifically listed as permitted in this code. If a use or structure is not listed, the Board of Zoning Appeals may determine where such use or structure is permitted according to the provisions established in Chapter 1172.

**1101.04 INTERPRETATION.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

### **1101.05 SEVERABILITY.**

The provisions of this ordinance are severable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

### **1101.06 REPEAL OF CONFLICTING ORDINANCES.**

Part Eleven of the City's Codified Ordinances in effect on the date immediately preceding the effective date of this ordinance as stated in Section 1101.07 of this Springfield Zoning Code is hereby repealed. This ordinance shall not be construed to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far a practicable.

### **1101.07 EFFECTIVE DATE.**

This ordinance shall become effective on August 1, 2001, and shall apply to all applications for building permits, zoning certificates, sign permits, development permits, certificates of appropriateness, variances, and conditional use permits filed with the City on and after July 15, 2001, or the deadline date for the appropriate board meeting, where such board approval is required.

### **1101.08 TEMPORARY EMERGENCY RECOVERY USES FOLLOWING A DISASTER.**

After an emergency, as that term is defined in Section 1102.02(e)(8) of the Codified Ordinances, has been declared in the City, temporary emergency recovery uses shall be permitted in all zones described in Title Two of this Chapter. No temporary emergency recovery use shall be commenced until after the Community Development Department has issued a permit document for the temporary emergency recovery use which shall contain all of the following:

- (a) The name and mailing address of the owner of the property on which the temporary emergency recovery use is to be permitted.
- (b) The name and mailing address of the applicant for the permit.
- (c) A description of the use to which the subject property was put immediately prior to the emergency event resulting in the declaration of an emergency, as that term is defined in Section 1102.02(e)(8) of the Codified Ordinances.
- (d) The time period during which the permit will be valid, and
- (e) A description of the temporary structure which is permitted.

The Community Development Director shall issue temporary emergency recovery use permits in all situations where the proposed use meets the definition of a temporary emergency recovery use, unless a moratorium has been declared on the issuance of such permits.

(Ord. 03-315. Passed 9-16-03.)

### **1101.09 EXEMPTIONS.**

- (a) Throughout the duration of any emergency, as that term is defined in Section 1102.02(e)(8) of the Codified Ordinances, which has been declared in the City, the provisions of this Zoning Code shall not be applicable to any City of Springfield temporary police, fire, emergency medical, emergency communications, or municipal utility facility.
- (b) Throughout the duration of any emergency, as that term is defined in Section 1102.02(e)(8) of the Codified Ordinances, which has been declared in the City, the provisions of this Zoning Code shall not be applicable to any temporary police, fire, emergency medical, emergency communications, or public utility facility, other than a City of Springfield government facility that the City Manager finds will aid in the expeditious restoration of good order, safety, utility services, and preservation of public health and welfare in the area; provided, however, that this exemption will not create any nonconforming use status or rights for the temporary facility. This exemption shall apply to those uses which the City Manager certifies, in writing, as eligible for this exemption.

(Ord. 03-315. Passed 9-16-03.)

## **CHAPTER 1102**

### **Definitions**

#### **1102.01 Interpretation of terms and words.**

#### **1102.02 Definitions.**

### **1102.01 INTERPRETATION OF TERMS AND WORDS.**

Words used in this code shall have the meanings as defined below. Words in the present tense include the future tense. The singular number includes the plural and the plural number includes the singular. The word "shall" is always mandatory and the word "may" is permissive. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied." Certain terms or words not defined shall have the meaning customarily assigned to them as defined in *Webster's Ninth New Collegiate Dictionary*.

### **1102.02 DEFINITIONS.**

The following definitions shall be applicable to this Code unless a contrary meaning is indicated by the text.

- (a) (1) **Abandonment.** The voluntary cessation of a use or activity, but excluding short-term interruptions to a use or activity during periods of remodeling, maintenance, improvements, vacation, seasonal closure, active listing of the property for a change in ownership or leasehold interests, or other similar interruptions.
- (2) **Abut/abutting.** Contiguous; having a boundary, wall or property line in common.
- (3) **Access.** The place, means or way by which pedestrians or vehicles have ingress and egress to a lot, structure or parking area.
- (4) **Accessory apartment.** A dwelling unit located within an owner-occupied, single-family dwelling.
- (5) **Accessory structure/use.** A structure or use which:
  - A. is subordinate to and serves a principal building or use;
  - B. is subordinate in area, extent, or purpose to the principal building or use served;
  - C. contributes to the comfort, convenience, or necessity of occupants of the principal building or use; and
  - D. is located on the same lot as or across a street, alley or railroad right-of-way from the principal use.
- (6) **Addition.** Extension of a building or structure or increase in floor area or height of a building or structure.

(Ord. 03-288. Passed 8-19-03.)

- (7) **Adult arcade, Adult cabaret, Adult motel, Adult motion picture theater, Adult store and Adult theater.** Each term shall each have the meaning assigned to them by Section 707.02 of the Codified Ordinances.

(Ord. 19-85. Passed 3-26-19.)

- (8) **Adult family home.** A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and supervision, personal care services to at least three (3) of those adults, and is licensed according to the provisions of Chapter 3722d of the Ohio Revised Code.
  - (9) **Adult group home.** A residence or facility that provides accommodations to six (6) to 16 unrelated adults, provides supervision and personal care services to at least three (3) of the unrelated adults, and is licensed according to the provisions of Chapter 3722 of the Ohio Revised Code.
  - (9) **Aged.** Any person 62 years of age or older.
  - (10) **Agricultural use.** The use of land for growing forages and sod crops; grains and seed crops; vegetables; trees and forest products; fruits, including grapes, nuts, and berries; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agricultural use also is to engage in the keeping, pasturing, and feeding of livestock for the sale of livestock or livestock products. An agricultural use is assessed by the County Auditor at "current agricultural use value."
  - (11) **Aisle.** A surface which is connected directly to a parking or loading space and designed to permit ingress or egress of a vehicle to or from the parking or loading space. (In no case can an aisle be a drive--see definition for a "drive.")
  - (12) **Alley.** Any public or private way whose primary function is to furnish secondary access to the side or rear of a lot having its principal access to a street.
  - (13) **Animal specialty service.** An establishment providing service, not rising to the level of veterinary medicine, for animals. Examples would be grooming services, kennels, and animal training schools.
  - (14) **Appraised value.** The value of real property as established by the County Auditor, or by a higher authority upon appeal, and is the value upon which the next fiscal year's real estate taxes are based.
  - (15) **Automobile and truck-oriented use.** Any principal use intended or designed to provide a service to occupants while they are within a motor vehicle such as but not limited to a drive-in financial institution; any principal use related to the sale, servicing or repair of vehicles such as but not limited to a car wash, automobile service station, garage, and automobile accessory sales; commercial parking area (open or enclosed) for vehicles; and any principal use catering to the convenience of drivers of motor vehicles such as but not limited to convenience grocery stores of no more than 4,000 square feet, drive-in restaurants, dry cleaning centers, and photo developing drop centers. This definition does not include a truck freight terminal or a solid waste transfer station.
- (b) (1) **Balcony.** A covered or uncovered platform area projecting from the wall of a building, enclosed by a railing, accessible from above grade, and not attached to the ground.
- (2) **Basement.** That portion of a building which is partially or wholly below grade A basement is counted as a story for the purpose of height and yard regulations when the finished surface of the floor above the basement is:
- A. More than six (6) feet above the established grade;
  - B. More than six (6) feet above the established grade for more than 50 percent of the total building perimeter; or
  - C. More than 12 feet above the established grade at any point.
- (3) **Bed and breakfast inn.** A house or portion thereof where not more than five (5) short term lodging rooms and meals are provided to guests. The operator of the inn lives on the same premises.
- (4) **Boarding house/lodging house.** See "Rooming house."
- (5) **Build.** To construct, assemble, erect, convert, structurally enlarge, or reconstruct a building or structure.
- (6) **Buildable area.** The area of a lot remaining after the minimum yard requirements of the Zoning Code have been deducted.
- (7) **Building.** A combination of materials to form a structure having a roof that is safe and stable and designed or intended for the support, enclosure, shelter or protection of persons, animals, or property. A building does not include a tent, trailer, trailer coach, or mobile home. Although one part of a structure may be separated from another part by a "fire wall," as defined by the Ohio Basic Building Code, both parts constitute one building as do structures which are joined together by structural members.
- (8) **Building, attached.** A building attached to another building by a common wall, such wall being a solid wall with or without windows and doors, and/or a common roof with a common horizontal dimension of eight (8) feet or more.
- (9) **Building, detached.** A building which is not connected to another building.
- (10) **Building area.** The area of a building within its largest outside dimensions computed on a horizontal plane at the first floor level, exclusive of open porches, breezeways, terraces, and exterior stairways.

- (11) **Building coverage.** The amount of land covered or permitted to be covered by a building or buildings, usually measured in terms of percentage of lot area.
- (12) **Building height.** The vertical distance from the established grade to the roof line.
- (13) **Building line.** A line which extends across the full extent of a lot, is parallel to the street, and touches that part of a building closest to the street. The building line may or may not be coincident with the front yard line.
- (14) **Building permit.** Official certification that a proposed building or structure complies with the provisions of this Code and such other ordinances as may be applicable. Such a permit is required for new construction and for alterations or additions to an existing structure prior to commencement of construction.
- (15) **Business service establishment.** An establishment primarily engaged in rendering services to business establishments on a fee or contract basis. Such establishments include but are not limited to the following: advertising agencies; consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies; mailing, reproduction, commercial art and photography, and stenographic services; services to dwellings and other buildings; news syndicates; personnel supply services; computer and data processing services; research and development laboratories; management, consulting and public relations services; detective agencies and protective services; equipment rental and leasing services; photo finishing laboratories; and other establishments primarily engaged in furnishing business services such as bondsmen, bottle exchanges, drafting service, interior designing, notary publics, packaging and labeling service, telephone message service, water softening service, and auctioneering service on a commission or fee basis (see major group 73 of the Standard Manufacturing Classification Manual).
- (c) (1) **Cellar.** See "Basement."
- (2) **Certificate of occupancy.** Official certification that a premises complies with the provisions of this Code and such other ordinances as may be applicable. Such a certificate is granted upon completion of new construction or for alterations or additions to existing structures.
- (3) **Clinic, animal.**
- (4) **Clinic, health services.** An office in which a group of practitioners and their allied professional assistants are associated for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons. A clinic may include a laboratory but not facilities for inpatient care or operating rooms for major surgery. See "Hospital."
- (5) **Club.** A meeting place of a nonprofit association or entity for a social, literary, political, educational, benevolent or recreational purpose and which is used primarily for the exclusive use of members and their guests. This definition does not include a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. This definition also does not include a fraternity or sorority house, religious institution, nor an adult business.
- (6) **Commercial recreational uses.** Facilities which are used primarily for physical exercise or entertainment and which include but are not limited to campgrounds, courts, gyms, swimming pools, locker and training rooms, target or shooting ranges, amusement arcades, and billiard halls. This definition does not include massage parlors.
- (7) **Communication station.**
- (8) **Conditional use.** A principal or accessory use which is allowable when the provisions are met and when the facts and conditions specified elsewhere in this Code, as those upon which the exception is permitted, are found to exist by the Board of Zoning Appeals.
- (9) **Consignment store.** A retail establishment engaged in selling used merchandise such as clothing, furniture, books, shoes, or household appliances on consignment or a retail establishment engaged in selling donated used merchandise. In association with such stores, merchandise is brought to the establishment and processed such as by being marked, cleaned, sorted, and stored as a major part of the principal use. Such stores do not include those selling vehicles, auto parts, scrap, or waste.
- (10) **Conversion.** Any change of one principal use to another principal use.
- (11) **CEDA Planning Commission.** A regional planning commission established by exercise of the City Planning Board's powers for a territory within the corporate boundaries of the City governed by a Cooperative Economic Development Agreement entered into pursuant to Section 701.07 of the Ohio revised Code.
- (Ord. 03-288. Passed 8-19-03.)
- (12) **City Planning Board.** The City Planning Board of the City of Springfield, Ohio.
- (13) **Community Center.** A building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, education, or cultural activities.
- (Ord. 09-94. Passed 4-14-09.) (Ord. 03-288. Passed 8-19-03.)
- (d) (1) **Daycare center.** An establishment in which the operator is provided with compensation in return for providing individuals with care for less than 24 hours at a time. This term includes, but is not limited to, a day nursery, nursery school, adult daycare center, or other supplemental care facility. Clients may or may not be developmentally disabled but are not undergoing treatment for alcohol or drug abuse. This term does not include a Daycare Home Type A or Daycare Home Type B.
- A. **Adult daycare center.** Any place that provides daycare for compensation or daycare for adults funded by a public or private institution; or any place that is not the residence of the administrator where adult daycare is provided. An adult daycare center shall not include a convalescent home, hospital, or any other full-time care facility.
- B. **Child daycare center.** Any place that provides daycare for compensation or daycare for children funded by a public or private institution; or any place that is not the residence of the licensee or administrator where child daycare is provided to 7 to 12 children at one time.
- (Ord. 09-93. Passed 4-14-09.)
- (2) **Day-care home, type A.** A state licensed facility in which child day-care or publicly funded child day-care is provided for seven (7) to 12 children at one time or is provided for four (4) to 12 children at one time if four (4) or more children at one time are under two (2) years of age. The children may or may not be developmentally disabled but

are not undergoing treatment for alcohol or drug abuse. The facility is the permanent residence of the person responsible for the daily operation of the facility. (See Chapter 5104 of the Ohio Revised Code.)

- (3) **Day-care home, type B.** A facility in which child day-care is provided for one (1) to six (6) children at one time and in which not more than three (3) children are under two (2) years of age at one time. The children may or may not be developmentally disabled but are not undergoing treatment for drug abuse. The facility is the permanent residence of the person who operates the type B family day-care home. (See Chapter 5104 of the Ohio Revised Code.)
- (4) **Deck.** An uncovered platform area projecting from the wall of a building, accessible at or from above grade, and attached to the ground.
- (5) **Density.** The number of dwelling units per unit area of land (usually expressed as dwellings units per acre).
- (6) **Density, gross.** The number of dwelling units per acre of the total land area to be developed.
- (7) **Density, net.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- (8) **Development.** Any man-made change to improved or unimproved property, including but not limited to building construction and reconstruction, extraction, dredging, filling, grading, paving, excavating, drilling operations or the storage of equipment and materials. Development does not include activities associated with an agricultural use.
- (9) **Developmentally disabled.** A person certified by a medical doctor as having a physical or mental impairment which is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of a nature that the ability to live independently could be improved by more suitable housing conditions. Such disabilities are attributable to but not limited to a physical impairment; mental retardation, cerebral palsy, epilepsy, autism, or another similar neurological condition; dyslexia resulting from an above disability; or a mental or nervous disorder which disability originates before such individual attains age 18. Developmentally disabled does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).
- (10) **Discontinuance.** The cessation of a non-conforming use.
- (11) **District.** A portion of the City delineated on the zoning map in which requirements and development standards for the use of land and buildings within, above, or below the land are prescribed in this Code.
- (12) **Drive-in.** A business establishment so developed that its retail or service character is dependent upon providing stacking spaces or parking spaces for motor vehicles so patrons can be served while in their motor vehicles rather than in a building or structure.
- (13) **Drive/driveway.** A surface designed to provide vehicular access to a parking area or to a loading space(s). A drive or driveway is also the means for providing access to a garage or off-street parking for single-family dwellings and duplexes. A drive, as distinguished from an aisle, usually provides access to a parking area from another parking area or from a street.
- (14) **Dwelling.** A building which is wholly or partially used or intended to be used for residential occupancy by a person for 30 or more consecutive days. A tent, recreational vehicle, motel, or hotel is not considered a dwelling.
- (15) **Dwelling, duplex.** A dwelling containing two (2) dwelling units.
- (16) **Dwelling, farm.** A dwelling located on a farm and occupied by the family which maintains and operates, owns or has a leasehold interest in the farm on which the dwelling is located.
- (17) **Dwelling, high-rise multi-family.** A multi-family dwelling consisting of three (3) or more stories of dwelling units with a total of four (4) or more stories located entirely above grade.
- (18) **Dwelling, low-rise.** A multi-family dwelling which is 35 feet or less in building height.
- (19) **Dwelling, multi-family.** A dwelling containing three (3) or more dwelling units.
- (20) **Dwelling, single-family.** A building containing one dwelling unit. This definition includes the term "manufactured home."
- (21) **Dwelling, single-family attached.** A single-family dwelling which is attached to another dwelling. Each attached single-family dwelling has independent access to the dwelling from the outside and has no less than two (2) exterior walls fully exposed and not in common with the exterior walls of another dwelling.
- (22) **Dwelling, zero lot line.** A single-family dwelling with one or more walls located on a side lot line(s) that is not on a street or alley right-of-way line.
- (23) **Dwelling unit.** Any habitable room or group of adjoining habitable rooms within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, sanitation, cooking, and eating of meals for one (1) family.
- (24) **Dwelling unit, efficiency.** A dwelling unit consisting of one principal room which serves as the occupant's living room, bedroom, and, in some instances, the kitchen.
- (e) (1) **Easement.** A right given by the owner of land to another person for specific limited use of that land, e.g., to allow access to another property or for utilities.
- (2) **Elderly housing.** A dwelling especially designed for use and occupancy of persons who are 62 years of age or older or persons who are disabled persons, as the term "disabled person" is defined in 42 U.S.C. 1437a(b)(3)(D).
- (3) **Emergency housing.** A dwelling owned and operated by a non-profit organization, as defined by Section 501(c)(3) of the Internal Revenue Code, that provides a temporary residence for guests who are in need of emergency shelter and who are temporarily unable to pay for housing.
- (4) **Enclosed.** Surrounded by walls and/or fences. See "Unenclosed structure."
- (5) **Enlargement/expansion.** An increase in the volume of a building, an increase in the area of land or building occupied by a use, or an increase in the number of occupants or dwelling units.
- (6) **Excavation.** The act or process of forming a cavity by cutting, digging, or scooping. Excavation does not include activities associated with an agricultural use.
- (7) **Extraction.** The withdrawal of natural resources such as but not limited to sand, gravel, or top soil as a business venture. Extraction does not include activities associated with an agricultural use or with the process of grading a lot preparatory to the construction of a building.

(8) **Emergency.** A time of public danger or emergency as declared by the Mayor in exercise of the Mayor's powers under Section 7 of the Charter of the City of Springfield or a disaster endangering the public welfare as declared by the City Commission by ordinance.

(Ord. 03-315. Passed 9-16-03)

(9) **Emergency event.** Any occurrence that results in the declaration of an emergency, as defined in subparagraph (8) above.

(Ord. 03-315. Passed 9-16-03)

(f) (1) **Fabrication.** The stamping, cutting, assembling or otherwise shaping of processed materials into useful objects, excluding the refining or other initial processing of basic raw materials.

(2) **Factory-built housing park.** A tract of land which has been planned and improved for the placement of manufactured homes, mobile homes and modular homes on leased spaces. The land is developed and operated as a unit.

(3) **Family.** An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood, marriage, adoption or placement by a governmental or social service agency. A family may also be a group of not more than five (5) persons not related by blood, marriage or adoption occupying a dwelling unit as a single housekeeping organization.

(4) **Family home.** A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8) mentally retarded or developmentally disabled persons.

(5) **Filling station/service station.** Any building or premises used primarily for the dispensing or retail sale of motor fuel. This definition includes the lubrication of automobiles and replacement or installation of minor parts and accessories, but does not include major repair work such as motor replacement, body and fender repair, or spray painting. When the dispensing or sale is incidental to the operation of a commercial garage, the premises is classified as a commercial garage.

(7) **Financial institution.** An establishment for the receiving, keeping, lending of money, and the exchange of funds by checks or notes. This definition includes banks, savings and loan establishments, and credit unions but does not include pawn shops.

(Ord. 03-244. Passed 7-8-03.)

(8) **Fitness centers and health spas.** Commercial recreational uses which are used primarily for physical exercise and health programs and which include but are not limited to gymnasiums, aerobic studios, weight lifting centers, racquetball courts, tennis courts, swimming pools, and jogging trails.

(9) **Flea market.** See "Antique shop."

(10) **Floor area.** The total area of all floors of a building or portion thereof measured to the outside surface of exterior walls or the centerline of walls to separate uses or attached buildings. It does not include garages, porches, balconies, and other appurtenances. Space in the basement and all other space is included as floor area if used for a principal or accessory use permitted in the zone in which the building is located.

(11) **Floor area ratio (FAR).** The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot.

(12) **Foster family home.** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons.

(13) **Fraternity/sorority house.** A building used as a residence by a chapter of a fraternal or sororal non-profit organization. For purposes of this Code, this definition does not include a rooming house.

(14) **Frontage.** The distance along a street line from one intersecting street to another, or from one intersecting street to the end of a dead end street or cul-de-sac.

(g) (1) **Garage, commercial.** An automobile or truck oriented use in which a building or premises is used for equipping, repairing, renting, selling or storing motor vehicles, and at which motor fuels and supplies may be sold.

(2) **Garages, private.** A detached accessory building or portion of a principal building used for the parking or temporary storage of motor vehicles or recreational vehicles of the occupants of the premises and wherein no space is rented for parking to a person not a resident of the premises.

(3) **Grade.** The top surface elevation of lawns, walks, drives, or other improved surfaces after completion of construction, grading, and landscaping. For the purpose of determining height of a building, the grade is the average level of the perimeter of the exterior walls of the building.

(4) **Ground area.** See "Floor area."

(5) **Ground floor/first floor.** The lower-most floor of a building in which the floor is at or above the grade.

(6) **Group home.** A residential facility that provides room and board, personal care, habilitation services, and supervision for at least nine (9) but not more than 16 mentally retarded or developmentally disabled persons.

(7) **Guest.** An individual who resides within a building for less than 30 consecutive days.

(h) (1) **Halfway house.** A dwelling licensed by an adult parole authority for adolescents or adults who have been institutionalized and released on parole and who require the protection of a group setting. (See Chapter 2967 of the Ohio Revised Code.)

(2) **Handicapped.** See "Developmentally disabled."

(3) **Hedge.** A boundary formed by a row of closely planted shrubs or bushes.

(4) **Home occupation.** An accessory use to a dwelling unit that consists of an occupation or profession operated by a person or persons living within the dwelling unit. A home occupation does not include such events as garage or yard sales nor parties held to take orders for goods or services.

(5) **Hospital.** An institution providing health services for human in-patient medical care for the sick or injured and including related facilities which are an integral part thereof such as laboratories, out-patient facilities, staff offices, and emergency medical services. Heliports, helipads, and helistops are not considered as integral to a hospital.

(6) **Hotel.** A building licensed by the State and consisting of individual sleeping units designed or intended to be used as a place of lodging for overnight guests. Hotels may or may not provide meals, but there are usually no cooking facilities

provided in the sleeping units. See "Hotel, apartment."

- (7) **Hotel, apartment.** A multi-family dwelling under resident supervision that consists of an inner lobby through which all tenants must pass to gain access to the apartments and that may furnish services ordinarily furnished by hotels such as a drug store, barber shop, cosmetologist, cigar stand or newsstand. Such services are located entirely within the building with no separate entrance from the street, have no display visible from any sidewalk, nor have a sign or display visible from outside of the building indicating the existence of such services.
- (i) Reserved.
- (j) (1) **Junk yard.** Synonymous with Salvage Yard.
- (k) (1) **Kennel.** An establishment where small animals are bred, raised, trained, groomed, and boarded for compensation, sale or other commercial purposes.
- (l) (1) **Land Use Plan.** The Clark County Comprehensive Land Use Plan of 1999, as amended, as it has been adopted by the Planning Boards having jurisdiction in the City. Known colloquially as the Crossroads Plan.  
(Ord. 03-288. Passed 8-19-03.)
- (2) **Livestock.** Livestock, for the purpose of this code includes, but is not limited to, cattle, sheep, goats, poultry, and animal specialties such as horses, rabbits, bees, pets, fish, llamas, ostriches, emus, fur-bearing mammals, and other non-carnivorous animals in captivity; but does not include domestic dogs and cats.
- (3) **Living unit.** See "Dwelling unit."
- (4) **Loading space, off-street.** Space logically and conveniently located and designed for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when off-street parking spaces are occupied.
- (5) **Lodging house.** See "Rooming house."
- (6) **Long term care facility.** See "Nursing home."
- (7) **Lot.** A lot of record or a lot that is leased which is occupied or intended to be occupied by a principal building or use and an accessory building or use and is of sufficient size to meet the minimum requirements for a principal use.
- (8) **Lot, corner.** A lot located at the intersection of two (2) or more streets, where the interior angle of intersection does not exceed 135 degrees.
- (9) **Lot, double frontage.** A lot having frontage on two (2) parallel or approximately parallel streets.
- (10) **Lot, interior.** A lot other than a corner lot or double frontage lot and bounded by a street on only one side.
- (11) **Lot area.** The total area within the lot lines of a lot excluding any area located within a public or private street.
- (12) **Lot coverage.** The percentage of the lot area covered by the building area.
- (13) **Lot depth.** The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line measured at a right angle to the front lot line.
- (14) **Lot frontage.** The continuous width of a lot measured along the front lot line, the front or rear lot line of a double frontage lot, or of a front or side lot line of a corner lot. The frontage is measured parallel to the centerline of the street(s) and never constitutes the end width of a dead end street.
- (15) **Lot line.** A line oriented in terms of stable points of reference which establish one boundary of a lot.
- (16) **Lot line, front.** A lot line separating the lot from the street. On corner lots, the front lot line is the shortest street dimension except that if the lot is square or almost square, i.e., has dimensions at the ratio of from 3:2 to 3:3, then the front lot line may be along either street.
- (17) **Lot line, rear.** The lot line opposite and most distant from the front lot line. In the case of a triangular shaped lot with its apex to the rear, it is an imaginary line within the lot, 10 feet in length, and parallel to and farthest from the front lot line.
- (18) **Lot line, side.** Any lot line which meets the end of a front lot line and any lot line which is not a front lot line or rear lot line.
- (19) **Lot of record.** A lot which is part of a subdivision or a parcel of land which is described by metes and bounds, the map and/or description of which have been recorded in the office of the County Recorder or County Auditor.
- (20) **Lot width.** The length of the front yard line.
- (m) (1) **Manufactured home.** A factory-built single- family dwelling which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards; which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site; and which does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the Federal Manufactured Home Construction and Safety Standards is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. For the purpose of this Code, a manufactured home is considered a single-family detached dwelling.
- (2) **Meeting hall.** A facility rented to groups on a noncontinuous basis for social functions, exhibitions, entertainment, education, instruction and similar purposes. Such a facility includes customary ancillary space such as restrooms, kitchens, foyers, work and dressing rooms, and storage areas.
- (3) **Mobile home.** A vehicle suitable for occupancy as a single-family dwelling that is greater than 400 square feet in gross floor area and is designed with attached axles and wheels to be drawn on streets and highways by a motor vehicle to a site where such dwellings are permitted. A mobile home is not construed as a travel trailer or other form of recreational vehicle and is subject to all regulations applying to a mobile home whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as "manufactured homes."
- (4) **Mobile home park.** A factory-built housing park used exclusively for mobile homes.
- (5) **Model home.** A dwelling temporarily used as a sales office for a residential development under construction. The home is used for on- site sales and not for general real estate business.
- (6) **Modular home.** A single-family dwelling which is manufactured in whole or in components at a place other than the location where it is to be permanently located; which is assembled in whole or in components at the location where it is to be permanently located; which rests on a permanent foundation or slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle,

- special equipment, trailer, motor home, or mobile home.
- (7) **Mortuary/funeral home.** An establishment in which the dead are prepared for burial or cremation. The establishment may include a chapel and spaces for the conduct of funeral services and informal gatherings.
- (8) **Motel.** A building or group of buildings licensed by the State and consisting of individual sleeping units designed or intended to be used as a place of lodging for overnight guests. The term "motel" includes "motor hotel."
- (9) **Micropigmentation.** Applying pigment under the skin primarily above the neck for reconstructive and permanent cosmetic purposes.
- (Ord. 03-244. Passed 7-8-03.)
- (10) **Microbottler.** An establishment for the production and packaging of beverages for distribution, retail and/or wholesale, on or off premise.
- (Ord. 15-41. Passed 2-17-15.)
- (n) (1) **Non-conforming building/structure.** A building or structure or portion thereof that was lawful at the time of its establishment but that does not now conform to the provisions of this Code relative to height, yards, or building coverage for the zone in which it is located by reason of the adoption of this Code or subsequent amendments thereto.
- (2) **Non-conforming lot.** A lot that was lawful at the time of its establishment but does not now conform to the provisions of this Code relative to lot frontage, width or area for the zone in which it is located by reason of the adoption of this code or subsequent amendments thereto.
- (3) **Non-conforming use.** Any use that was lawful at the time of its establishment but that is not now allowed within the zone in which it is located or any way in which land or a building is used that is not in compliance with the provisions of this Code by reason of the adoption of this code or subsequent amendments thereto.
- (4) **Nursing home.** A facility operated by a private or non-profit corporation or association and licensed or regulated by a governmental entity for the accommodation of convalescents or other persons who are not in need of hospital care but who require skilled care and/or related services.
- (5) **Nursery, plant materials.** A principal use that includes the storage, propagation, cultivation, and transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used primarily for gardening or landscaping. This definition does not include any space, building or structure used primarily for the sale of fruits, vegetables or Christmas trees.
- (o) (1) **Office.** A building or an area within a building used for conducting the affairs of a business, profession, financial institution, service, industry, government, or similar activity. In association with such activity, there is no activity carried on catering to retail trade with the general public; no stock of goods maintained for sale to customers; no production, processing, fabrication, or distribution of goods on or from the premises; and no more than 49 percent of the office use used for accessory storage.
- (2) **Open space.** That portion of a lot substantially open to the sky. The area may include natural environmental features, patios, water areas, swimming pools, tennis courts, and other recreational areas and facilities. Streets, parking areas, structures for habitation, and the like are not included.
- (3) **Open space, common.** Open space the use of which is shared by all occupants of more than one dwelling unit, as distinguished from private open space.
- (4) **Open space, private.** Open space used by occupants of a dwelling unit.
- (5) **Overlay district.** A set of zoning requirements that is imposed in addition to those of the underlying district. Developments within the overlay district must conform to the requirements of both districts or, in the case of a disparity, the more restrictive requirements of the two.
- (6) **Owner.** Any person who, alone or jointly or severally with others, has legal title to any land or structure, with or without accompanying actual possession thereof; has charge, care or control of any land or structure as owner or agent of the owner; or serves as executor, administrator, conservator, trustee, or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with the provision of this code and of rules and regulations adopted pursuant thereto, to the same extent as if he/she were the owner.
- (p) (1) **Parking area.** An off-street facility providing vehicular parking spaces, along with adequate aisles and tree islands, for the parking of more than four (4) motor vehicles.
- (2) **Parking space.** An area exclusive of drives, aisles, and tree islands intended for off-street vehicular parking. Such space is not intended for the storage or display of motor vehicles.
- (3) **Patio.** An uncovered surfaced outdoor living area at grade abutting and accessible from a dwelling.
- (4) **Performance standard.** A minimum requirement or maximum allowable limit on the effects or characteristics of a use, written in the form of regulatory language.
- (5) **Permitted use.** A principal use which is allowed in the zone in which it is listed subject to compliance with the dimensional requirements and special requirements (if any) of the zone in which it is listed and general requirements of this code.
- (6) **Person.** Any individual or group of individuals, corporation, partnership, association, or any entity, including state and local governments and agencies.
- (7) **Personal service establishment.** An establishment primarily engaged in providing services generally involving the care of the person or his/her apparel. Such establishments include but are not limited to the following: laundry, cleaning and garment services; photographic studios; beauty parlors (including manicure and pedicure salons); barber shops; shoe repair shops, shoe shine parlors, and hat cleaning shops; funeral homes; and other establishments engaged in providing personal services such as tanning salons, steam baths, reducing salons and health clubs, clothing rental, locker rental, and porter services (see major group 72 of the Standard Manufacturing Classification Manual). For purposes of this code, an adult business is not defined as a personal service establishment.
- (8) **Planning Board.** The City Planning Board or the CEDA Planning Commission which has jurisdiction over the subject territory.
- (Ord. 03-288. Passed 8-19-03.)

- (9) **Planting area.** An unpaved pervious area used or intended to be used for the placement of a tree or other plant materials.
- (10) **Porch.** A covered entrance to a building consisting of a platform area, with open or partially enclosed sides. If the roof is supported by walls or columns, the porch is considered to be part of the building to which it is attached. If the roof is supported by braces attached to the building, the porch is not considered to be part of the building.
- (11) **Premises.** A general term meaning part or all of any lot, parcel or tract or part or all of any building or structure or group of buildings or structures located thereon.
- (12) **Principal building.** A building which contains the principal use.
- (13) **Principal use.** The primary use(s) of land or a structure as distinguished from an accessory use, e.g., a house is a principal use in a residential area and a garage or pool is an accessory use.
- (14) **Projections (into yards).** Parts of buildings such as architectural features which protrude into the required yard or yards.
- (15) **Provisional use.** A principal use which is allowed in the zone in which it is listed subject to compliance with specific requirements mentioned with the use. These requirements are in addition to all other general requirements applicable to the use.
- (16) **Public use.** A use operated by a unit of government to serve public needs, including public parks, schools, fire stations, community centers, recreation centers and cultural and governmental buildings and structures.
- (17) **Public utility.** Any entity which provides essential products or services to the public with the characteristic of service to, or readiness to serve, and indefinite public which has a legal right to demand and receive the entity's products or services and which conducts its operations in such a manner as to be a matter of public concern. {{}} See, A & B Refuse Disposers, Inc. v Board of Ravenna Township Trustees (1992), 64 Ohio State 3d 385{{}}.
- (18) **Public way.** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a certain right, whether improved or not.
- (q) (1) **Quarry.** See "Extraction."
- (r) (1) **Reconstruct.** To rebuild a structure that has been destroyed or demolished. For purposes of this definition, reconstruct does not apply to the removal and replacement of all or part of a building or structure in the same configuration.
- (2) **Recreation camp.** An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures or vehicles are regularly accommodated with or without charge, including any building, structure, fixture, or equipment that is used or intended to be used in connection with providing such accommodations.
- (3) **Recreational vehicle.** A vehicle which is:
- built on a single chassis,
  - 400 square feet or less when measured at the largest horizontal projection,
  - designed to be self-propelled or permanently towable by a light duty truck, and
  - designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- Examples include a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, and van. For purposes of this code, a recreational vehicle is not convertible to a manufactured home or mobile home or to a structure similar to such dwellings.
- (4) **Recycling facility.** Any facility where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled. Materials include scrap metals, paper, rags, tires, and bottles.
- (5) **Religious institution.** An organization that has a religious purpose and that has been granted an exemption from federal taxes under the Internal Revenue Code as a Sec. 501(c)(3) organization. This definition includes but is not limited to churches, synagogues, convents, monasteries, parsonages, and temples and accessory uses and components of the principal use such as but not limited to rectories, and meeting halls. This definition does not include the headquarters office of a denomination of religious institutions when located on a separate lot from a religious institution nor such commercial activities as bingo parlors and day-care centers.
- (6) **Remodel/repair.** Any improvement to a building which is not a structural enlargement or reconstruction.
- (7) **Residential facility.** A dwelling in which a mentally retarded or developmentally disabled person resides (not including a dwelling in which a mentally retarded or developmentally disabled person resides with a relative or legal guardian); a respite care home certified under section 5126.05 of the Ohio Revised Code; or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living pursuant to sections 5126.40 to 5126.47 of the Ohio Revised Code.
- (8) **Restaurant.** A business where the dispensing at indoor tables and the consumption at indoor or outdoor tables of edible foodstuff and/or beverage is the principal business. This definition includes a cafe, cafeteria, coffee shop, delicatessen, lunch room, tearoom, dining room, bar, cocktail lounge and tavern. The total seating area located within the enclosed portion of the premises is more than 50 percent of the total floor area for the restaurant. This definition does not include a drive-in or carry-out restaurant.
- (9) **Restaurant, drive-in.** An automobile and truck oriented use whose principal operation is the dispensing of edible foodstuff and/or beverage for consumption in vehicles, at indoor or outdoor tables, at stand-up counters or to be carried off the premises. Orders generally are not taken at the customer's table and the food is generally served in disposable wrapping or containers. The total seating area, if provided, is less than 50 percent of the total floor area of the restaurant.
- (Ord. 21-10. Passed 1-19-21.)
- (10) **Restaurant, carryout.** Any establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state, primarily for consumption off the premises. A carryout restaurant shall not include drive-through facilities, and up to six (6) seats may be provided for on-site consumption and/or customer waiting.
- (Ord. 21-10. Passed 1-19-21.)
- (11) **Retail establishment.** An establishment engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods. Such establishments will have the following characteristics: the establishment is usually a place of business and is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process its products, but such processing is incidental or subordinate to selling; the establishment is considered as retail in the trade; and the establishment sells to customers for business or personal use.
- (12) **Rezoning.** A change from one district to another. Rezonings can take two forms:
- A comprehensive revision or modification of the zoning map; or
  - A change in a portion of the map, i.e., the zoning designation of a particular parcel or parcels.
- (13) **Right-of-way.** A strip of land taken or dedicated for use as a public way. As a roadway, it normally incorporates the curbs, tree lawns, sidewalks, lighting and drainage facilities, and may include special features (required by the

topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

- (14) **Roadside stand.** A temporary structure designed or used for the display or sale of agricultural and related products.
  - (15) **Roof.** The top covering of a building constructed to shield the area beneath from the weather. The term "roof" includes the term "canopy."
  - (16) **Roof line.** The deck line of a mansard roof, the ridge of a saddle, hip, gable, gambrel, or ogee roof; or the highest point of the coping of a flat roof for a multi-family dwelling or a nonresidential use or the midpoint of a mansard roof; the midpoint between the ridge and eaves of a saddle, hip, gable, gambrel, or ogee roof; or the highest point of the coping of a flat roof for a single or two family dwelling.
  - (17) **Roomer.** An occupant of a rooming house or rooming unit or an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.
  - (18) **Rooming house.** Any dwelling, or that part of any dwelling containing one or more rooming units. Bath and toilet facilities and a communal kitchen and dining area may be made available for use of all the occupants.
  - (19) **Rooming unit.** Any habitable room or group of adjoining habitable rooms located within a rooming house and forming a single unit with facilities which are used, or intended to be used, for living and sleeping, but not for cooking. A rooming unit may have bath and toilet facilities available for exclusive use of the occupants of the rooming unit.
  - (20) **Row house.** See "Townhouse."
- (s) (1) **Salvage yard.** A place where waste, discarded or salvaged materials are bought, stored, recycled, sold, exchanged, baled, packed, disassembled or handled. This definition includes auto wrecking yards, junk yards, tire shredding operations, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment, composting operations, and recycling centers. This definition does not include pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment; used cars in operable condition; salvaged materials incidental to manufacturing operations; or sanitary landfills.
- (2) **School, generalized public or private instruction.** A public or private school which includes any of the following: elementary and secondary schools below university level (ordinarily grades 1 through 12), including denominational and sectarian; kindergartens; military academies; and colleges, universities, and professional schools, granting academic degrees and requiring for admission at least a high school diploma or equivalent general academic training.
  - (3) **School, specialized public or private instruction.** A public or private school which includes any of the following: establishments primarily engaged in offering data processing courses in programming and in computer and peripheral equipment operation; establishments primarily engaged in offering courses in business machines operation, office procedures, and secretarial and stenographic skills; establishments primarily engaged in offering specialized trade or commercial courses, not elsewhere classified; specialized non-degree granting schools, not elsewhere classified, such as music schools, dramatic schools, language schools, and Civil Service and other short term examination preparatory schools; and establishments primarily engaged in operating dance studios and schools.
- (4) **Seat.** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, chairs, or each 20 lineal inches of space on benches or pews.
- (5) **Separate tract.** An abutting group of lots which are developed for a use or uses which share common facilities, e.g. off-street parking, loading and driveways. A separate tract shall be considered as a single lot in the application of the requirements of this Code.
- (6) **Setback line.** A line established by this Code that is parallel with and measured from the lot line and defines the limits of a yard within which no building or structure may be located above ground, except as may be provided by this Code. The area between the setback line and the lot line is referred to in this Code as the required yard.

(Ord. 03-315. Passed 9-16-03)

- (7) **Sexual encounter establishment, Sexually oriented adult entertainment, and Sexually oriented business.** Each term shall each have the meaning assigned to them by Section 707.02 of the Codified Ordinances.

(Ord. 19-85. Passed 3-26-19.)

- (8) **Sidewalk.** That portion of the street right-of-way outside the traveled surface which is improved for the use of pedestrian traffic.
- (9) **Special exception.** See "Conditional use."
- (10) **Stacking space.** An asphalt, concrete or similar permanent dust free surface which is designed to accommodate a motor vehicle waiting for entry to an automobile and truck oriented use, which is located in such a way that a parking space or access to a parking space is not obstructed, and which is at least nine (9) feet in width and 19 feet in length.
- (11) **Story.** That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.
- (12) **Street.** A way that is open to the public for use of vehicular traffic as a matter of right, is a minimum of 30 feet in width, and has a driving surface which either meets the City's specifications or is acceptable to the City Engineer for vehicular traffic. A street may exist as a public street if it is owned or controlled by the City or as a private street if it is owned and maintained by persons other than the City. This definition includes the term avenue, boulevard, circle, drive, highway, lane, parkway, road, thoroughfare, or any other similar term.
- (13) **Street, arterial.** A street whose principal function is to provide for through traffic and is designed to carry large volumes of traffic. Primary and secondary arterial streets are designated on the Land Use
- (14) **Street, collector.** A street whose principal function is for carrying traffic from local streets to arterial streets and which is required by Part Twelve, SUBDIVISION REGULATIONS, of the Codified Ordinances of Springfield to have a right-of-way width of 60 feet.

- (15) **Street, cul-de-sac.** A local street terminating in a turnaround.
- (16) **Street, local.** A street used primarily for access to abutting property and which is required by Part Twelve, SUBDIVISION REGULATIONS, of the Codified Ordinances of Springfield to have a right-of-way width of 50 feet.
- (17) **Street, private.** A right-of-way or easement in private ownership, not dedicated or maintained as a public street, and which affords the principal means of access to two or more lots or to condominium units.
- (18) **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground. This definition includes but is not limited to buildings, mobile homes, sheds, radio and television towers, dish antennas, solar devices, swimming pools, walls, fences, billboards, heat pumps, air conditioning compressors, animal shelters, and signs. This definition excludes vehicles and sidewalks, paving and other flat surfaces at grade.
- (19) **Structural enlargement.** Any change in the configuration of the exterior walls, foundation or the roof of a building which results in an increase in the area, height or volume of the building.
- (20) **Sub-standard lot.** See "non-conforming lot."
- (21) **Swimming pool, private.** Any pool, pond, lake or open tank at, above or below the grade, enclosed or unenclosed, and containing or normally capable of containing water to a depth of any point greater than three (3) feet.
- (t) (1) **Temporary structure/building.** Any building or structure which is placed on a lot without a permanent foundation.
- (2) **Temporary emergency recovery use.** A temporary structure used during the reconstruction or restoration or replacement of a structure damaged by an emergency event, the use of which is limited to the use to which the damaged structure was being put immediately prior to the emergency event and that is authorized by the Community Development Director to be conducted for a fixed period of time sufficient for the damaged structure to be reconstructed or restored or replaced.
- (Ord. 03-315. Passed 9-16-03)
- (3) **Theater.** A building used primarily for the presentation of live stage productions, performances, or motion pictures.
- (4) **Townhouse.** A complex containing not less than three (3) nor more than six (6) attached single-family dwellings (townhouse units) with each single-family dwelling being located on a separate lot.
- (5) **Thoroughfare Plan.** The Official Thoroughfare Plan, as adopted and as amended from time to time by the Planning Board having jurisdiction, establishing the general location of arterial and collector streets in the City and on file in the City Community Development Department.
- (Ord. 03-288. Passed 8-19-03.)
- (6) **Tatoo Parlor.** An establishment where pigments are applied under the skin for decorative body art.
- (Ord. 03-244. Passed 7-8-03; Ord. 14-113; Passed 5-13-14.)
- (7) **Tap Room.** A room that is ancillary to the production of beverages at a microbottler where the public can purchase and/or consume the beverages that are produced on site.
- (Ord. 15-41. Passed 2-17-15.)
- (u) (1) **Unenclosed structure.** A structure that may contain a roof but is not enclosed on more than two (2) sides by walls or fences. See "Enclosed."
- (2) **Use.** The specific purpose or activity for which land, structures or a portion thereof is designated, arranged, intended, or for which it is or may be occupied or maintained.
- (3) **Use, accessory.** See "Accessory structure/use."
- (4) **Use, non-conforming.** See "Non-conforming use."
- (5) **Use, permitted.** See "Permitted use."
- (6) **Use, principal.** See "Principal use."
- (7) **Use, provisional.** See "Provisional use."
- (v) (1) **Vacation.** The process by which the City discontinues the use of a street, alley, or easement as a public way.
- (2) **Variance.** A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in "unnecessary and undue hardship" or a "practical difficulty." The authority to grant variances is vested in the Board of Zoning Appeals.
- (3) **Variety store.** An establishment engaged in the retail sale of a variety of merchandise in the low to middle price ranges. These stores do not carry a complete line of merchandise, are not departmentalized, and do not deliver merchandise. These stores are distinguished from other similar stores listed in the 1987 Standard Manufacturing Classification Manual, Major Group 53, General Merchandise.
- (4) **Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a street.
- (5) **Vehicle, storage of.** A vehicle or portion thereof which is parked in the same position for a period of 48 hours or more.
- (6) **Veterinary animal hospital or clinic.** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for their treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity. This definition does not include a kennel.
- (w) (1) **Walkway.** A public way that is at least three (3) feet or more in width for pedestrian use, whether within a street or not. See "Sidewalk."
- (2) **Warehouse, wholesale or storage.** A building or premises in which goods or equipment are stored for eventual sale or distribution.
- (3) **Wrecking yard.** See "Salvage yard."
- (x) Reserved.
- (y) (1) **Yard.** A required area on a lot unoccupied by structures above grade except for projections and the specific minor uses or structures allowed in such area under the provisions of this Code. A yard extends from the grade upward.
- (2) **Yard, front.** The required area across a lot between the front yard line and the street right of way line. In the case of a double frontage lot, the front yard is along the local street and the rear yard is along the arterial street.

- (3) **Yard, rear.** The required area from one side lot line to another side lot line and between the rear yard line and the rear lot line.
  - (4) **Yard, side.** The required area from the front yard line to the rear yard line and from the side yard line to the side lot line.
  - (5) **Yard line, front.** A line from one side lot line to another side lot line, parallel to the street, and as far back from the street as required in this Code for the front yard.
  - (6) **Yard line, rear.** A line parallel to the rear lot line and as far forward from the rear lot line as required by this Code. See "Lot line, rear."
  - (7) **Yard line, side.** A line parallel to the side lot line and as far from the side lot line as required by this Code.
- (z) (1) **Zone.** See "District."
- (2) **Zoning certificate.** A document issued by the Director of Community Development or his/her designee which indicates that the proposed use of land meets the requirements of this code.
- (3) **Zoning map.** The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Code.  
(Ord. 02-177. Passed 4-16-02.)

## **TITLE TWO - Uses Permitted by District**

- Chap. 1105 A Agricultural District.
- Chap. 1106 RR-1 Rural Residence District.
- Chap. 1107 RS-5 Low-Density, Single Family Residence District.
- Chap. 1108 RS-8 Medium-Density, Single-Family Residence District.
- Chap. 1109 RFBH Factory-Built Housing Residence District.
- Chap. 1111 RM-12 Low-Density, Multi-Family Residence District.
- Chap. 1112 RM-20 Medium-Density, Multi-Family Residence District.
- Chap. 1113 CN-2 Neighborhood Commercial District.
- Chap. 1114 RM-44 High-Density, Multi-Family Residence District.
- Chap. 1115 RM-44A High-Density, Multi-Use District.
- Chap. 1116 CO-1 Commercial Office District.
- Chap. 1117 CN-1 Neighborhood Commercial District.
- Chap. 1118 CC-2 Community Commercial District.
- Chap. 1119 EC-1 Educational Campus District.
- Chap. 1120 CB-10 Central Business District.
- Chap. 1121 CH-1 Highway Commercial District.
- Chap. 1122 CI-1 Intensive Commercial District.
- Chap. 1123 RDP Research and Development Park District.
- Chap. 1124 M-1 General Manufacturing District.
- Chap. 1125 M-2 Heavy Manufacturing District.
- Chap. 1126 G Green Space, Park and School District.
- Chap. 1127 OFP Flood Plain Overlay District.
- Chap. 1128 OHP Historic Preservation Overlay District.
- Chap. 1129 OPD-H Planned Development Housing Overlay District.
- Chap. 1130 CC-2A Shopping Center District.
- Chap. 1131 UCOD Urban Commercial Overlay District.
- Chap. 1132 UCED Urban Commercial Entryway Overlay District.
- Chap. 1133 DMC Downtown Medical Campus District.
- Chap. 1135 Requirements for Specific Uses.
- Chap. 1140 PD Planned Development District.
  - Chap. 1141. UPOD Unified Plan Overlay District.
- Chap. 1142. EECPOD Eastern Edge Corridor Plan Overlay District.

## **CHAPTER 1105**

### **A Agricultural District**

- 1105.01 Purpose.**
- 1105.02 Principal uses permitted.**
- 1105.03 Provisional uses permitted.**
- 1105.04 Conditional uses permitted.**
- 1105.05 Accessory uses.**
- 1105.06 General provisions.**
- 1105.07 Special provisions.**

#### **1105.01 PURPOSE.**

The purpose of this district is to provide for areas of open space or of managed growth in which agricultural uses of land may establish or continue until such time as the City is able to provide municipal services required of urban development. In some areas agricultural uses may be the ultimate preferred development. Upon the provision of municipal services, the City or a property owner may initiate rezoning of property for uses consistent with the intended use of the property in the future. Accordingly, A districts are illustrated on the

Zoning Map as to their future intended land use by the designations of either A (for agricultural use) A-R (for residential use), A-C (for commercial use), or A-I (for manufacturing use).

#### **1105.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Agricultural use.
- (b) Dwelling, farm.

#### **1105.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Composting operation, provided it shall be located a minimum of 1320 feet from an R district boundary.
- (b) Stable or kennel, subject to the requirements of Chapter 1135.
- (c) For an agricultural use with hogs, a certificate from the Clark County Combined Health District shall be obtained.  
(Ord. 03-288. Passed 8-19-03.)

#### **1105.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Cemetery or mausoleum, subject to the requirements of Chapter 1135.
- (b) Club, subject to the requirements of Chapter 1135.
- (c) Communication tower or satellite receiving device, subject to the requirements of Chapter 1136.
- (d) Dwelling, family home or day-care home, provided the dwelling existed as a farm dwelling on the effective date of this ordinance. The resident family need not maintain and operate, own, nor have a leasehold interest in the farm of which the original farm dwelling was a part.
- (e) Public utility or public use.
- (f) Recreation camp.

#### **1105.05 ACCESSORY USES.**

The accessory uses as regulated in the RR-1 district shall be permitted. However, the following accessory uses shall meet the requirements noted:

(Ord. 02-177. Passed 4-16-02.)

- (a) Roadside stand for the sale of produce grown on the premises, provided the following conditions are met:
  - (1) The maximum floor area shall be 600 square feet.
  - (2) The stand shall be located no closer than the required setback from a street as established in Chapter 1150.
  - (3) Vehicular access to the stand shall be from an existing principal entrance to the farm or farm dwelling.

#### **1105.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the general requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1105.07 SPECIAL PROVISIONS.**

None.

### **CHAPTER 1106**

#### **RR-1 Rural Residence District**

##### **1106.01 Purpose.**

##### **1106.02 Principal uses permitted.**

##### **1106.03 Provisional uses permitted.**

##### **1106.04 Conditional uses permitted.**

##### **1106.05 Accessory uses permitted.**

##### **1106.06 General provisions.**

##### **1106.07 Special provisions.**

#### **1106.01 PURPOSE.**

The purpose of this district is to provide for areas of a rural residential character. Such areas may be established similar in nature to subdivisions established in unincorporated areas. Accordingly, new local street pavements may be constructed to a width of 24 feet with berm and side ditches as permitted in Section 1211.02 of Part 12, Subdivision Regulations, of the Codified Ordinances of Springfield.

#### **1106.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Adult family home.
- (b) Day-care home, type B.

- (c) Dwelling, single-family detached.
- (d) Family home.

#### **1106.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Accessory apartment, subject to the requirements of Chapter 1135.
- (b) Religious institution, subject to the requirements of Chapter 1135.

#### **1106.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Club, subject to the requirements of Chapter 1135.
- (b) Communication tower or satellite receiving device as an accessory use that cannot meet the requirements of section 1106.05(a) below. However, refutable evidence shall be presented to demonstrate that communications are substantially impaired when meeting the requirements of section 1106.05(a). In addition, a communication tower or satellite receiving device shall meet the requirements of Chapter 1136.
- (c) Day-care home, type A.
- (d) Public utility or public use, subject to the requirements of Chapter 1135.
- (e) School, generalized private instruction for kindergarten through twelfth grade students.
- (f) Community Center, subject to the requirements of Chapter 1135.

#### **1106.05 ACCESSORY USES PERMITTED.**

The accessory uses permitted in this district may include but are not limited to those listed below; provided, however, under no circumstance shall any mechanical or vehicular body repairs, painting, pulling of engines or the maintenance of vehicles other than those owned by the occupant of the premises be permitted.

- (a) Communication tower or satellite receiving device, provided it shall meet the following requirements:
  - (1) It shall not be located in the area between the street and the building line; side yard where abutting a lot in a R district; nor on the roof of any building. This limitation shall not apply to a satellite receiving device two (2) feet or less in diameter or to an electronic receiving antenna.
  - (2) A tower shall be set back from another lot in a R district a distance of 20 percent of the tower's height or the distance between the tower base and guy wire anchors, whichever is greater.
  - (3) It shall comply with the requirements of Chapter 1135.
- (b) Essential service which routes electrical, gas, telephone, water or cable TV service and includes distribution lines consisting of cables, wires or pipes and associated line hardware such as transformers, relays and shut-off valves.
- (c) Fence as regulated by Chapter 1156.
- (d) Garage.
- (e) Greenhouse or conservatory.
- (f) Home occupation as regulated by Chapter 1135.
- (g) Parking, off-street, as regulated by Chapter 1153.
- (h) Pet shelter, not including a kennel.
- (i) Recreational use and facility, including but not limited to a swimming pool, tennis court, gazebo, open or enclosed patio, deck, balcony or similar structure for recreational purposes.
- (j) Sign as regulated by Chapter 1155.
- (k) Storage building with a maximum floor area of 120 square feet for the storage of wood, lumber, gardening equipment or other materials and equipment exclusively for the use of the residents of the premises and provided that only one (1) such building shall be permitted on a lot. A storage building for commercial purposes, other than for a home occupation, shall be prohibited.

#### **1106.06 GENERAL PROVISIONS**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1106.07 SPECIAL PROVISIONS**

None.

### **CHAPTER 1107**

#### **RS-5 Low-Density, Single-Family Residential District**

##### **1107.01 Purpose.**

##### **1107.02 Principal uses permitted.**

##### **1107.03 Provisional uses permitted.**

##### **1107.04 Conditional uses permitted.**

##### **1107.05 Accessory uses permitted.**

##### **1107.06 General provisions.**

## **1107.07 Special provisions.**

### **1107.01 PURPOSE.**

The purpose of this district is to provide for single-family residential development consistent with the single-family residential character of lower density residential development in the city. Development within this district is expected to have a neighborhood orientation; therefore, parks, schools, religious institutions and neighborhood commercial facilities are expected to be located in close proximity to residential development. Compatibility of development in this district should be encouraged, and related non-residential uses and structures should be planned and designed to be in character with the scale and pattern of the residential development.

### **1107.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Adult family home.
- (b) Day-care home, type B.
- (c) Dwelling, single-family detached.
- (d) Family home.

### **1107.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Accessory apartment, subject to the requirements of Chapter 1135.

### **1107.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Club, subject to the requirements of Chapter 1135.
- (b) Day-care home, type A.
- (c) Public utility or public use, subject to the requirements of Chapter 1135.
- (d) Religious institution, subject to the requirements of Chapter 1135.
- (e) School, generalized private instruction for kindergarten through twelfth grade students.
- (f) Daycare center, subject to the requirements of Chapter 1135.
- (g) Community center, subject to the requirements of Chapter 1135.

(Ord. 09-93; 09-94. Passed 4-14-09.)

### **1107.05 ACCESSORY USES PERMITTED.**

The accessory uses as regulated in the RR-1 district shall be permitted.

(Ord. 02-177. Passed 4-16-02.)

### **1107.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

### **1107.07 SPECIAL PROVISIONS.**

If a tract of land 10 acres or greater in area is being subdivided or resubdivided into lots, it may be developed with a minimum average lot size of 8,400 square feet; minimum lot sizes of 7,200 square feet; and minimum lot widths of 60 feet. For the purpose of meeting the average lot size requirement, lots with more area than 10,000 square feet shall be calculated as having 10,000 square feet.

## **CHAPTER 1108**

### **RS-8 Medium-Density, Single-Family Residence District**

#### **1108.01 Purpose.**

#### **1108.02 Principal uses permitted.**

#### **1108.03 Provisional uses permitted.**

#### **1108.04 Conditional uses permitted.**

#### **1108.05 Accessory uses permitted.**

#### **1108.06 General provisions.**

#### **1108.07 Special provisions.**

### **1108.01 PURPOSE.**

The purpose of this district is to provide for the development of small lot single-family dwellings and to preserve the character of existing small lot subdivisions in the city. This district represents a relatively high density for single-family development, thus dwellings in this district should be in close proximity to all city services and facilities, especially parks, schools and recreational facilities. Special attention should be given to landscaping and site development in this district. Special provisions of this district are designed to permit dwellings with no side yard to accommodate single family attached dwellings.

## **1108.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Adult family home.
- (b) Day-care home, type B.
- (c) Dwelling, single-family detached.
- (d) Family home.

## **1108.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Duplex, provided it shall be developed in accordance with the dimensional requirements of the RM-12 district and that the minimum lot area is 8,700 square feet and the minimum lot area per unit is 4,350 square feet.
- (b) Dwelling, zero lot line or attached, subject to the requirements of Chapter 1135.

## **1108.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Club, subject to the requirements of Chapter 1135.
- (b) Day-care home, type A.
- (c) Public utility or public use, subject to the requirements of Chapter 1135.
- (d) Religious institution, subject to the requirements of Chapter 1135.
- (e) School, generalized private instruction for kindergarten through twelfth grade students.
- (f) Museums consisting of an architecturally significant house listed on the National Register of Historic Places and located in a city-designated historic district or in a historic district listed on the National Register of Historic Places; together with specific, approved, related commercial operations to serve museum patrons (such as, by way of example, a museum store).

(Ord. 02-272. Passed 7-9-02.)

- (f) Daycare center, subject to the requirements of Chapter 1135.

- (g) Community center, subject to the requirements of Chapter 1135.

(Ord. 09-93; 09-94. Passed 4-14-09.)

## **1108.05 ACCESSORY USES PERMITTED.**

The accessory uses as regulated in the RR-1 district shall be permitted. In lieu of a 120 square foot storage building, there may be a storage building of not more than 64 square feet for each duplex unit.

(Ord. 02-177. Passed 4-16-02.)

## **1108.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

## **1108.07 SPECIAL PROVISIONS.**

(a) If a tract of land 10 acres or greater in area is being subdivided or resubdivided into lots, it may be developed with a minimum average lot size of 5,000 square feet and with minimum lot sizes of 4,000 square feet. For the purpose of meeting the average lot size requirement, lots with more area than 7,500 square feet shall be calculated as having 7,500 square feet. Lots less than 5,000 square feet in area shall be developed with one (1) wall of a dwelling unit having a zero (0) side yard.

(b) Development with two or more provisional uses, conditional uses, or a combination of uses on a lot larger than two (2) acres shall be approved by the Planning Board and the City Commission in the same manner as amendments to the Springfield Zoning Code, meeting the procedural requirements of Chapter 1174. The plan shall be submitted in the manner and with the information described as follows:

- (1) A conceptual plan of the development showing, at a minimum, the following:
  - A. Size of the tract to be developed.
  - B. Existing topographic features of the land, including drainage ways, wooded areas and contours.
  - C. General location of uses.
  - D. General location of any public uses, if any.
  - E. Traffic circulation patterns within the development.
  - F. Methods of buffering the development from adjacent uses.
  - G. General treatment of signage for the development.
  - H. Anticipated accommodation for stormwater management.
  - I. Means of waste disposal.
- (2) The conceptual plan is intended to be a guide for the development. Building permits shall be evaluated by the Community Development Director or his designee for compliance with the guidelines of the plan and the requirements of the development standards. Permit applications which do not meet the guidelines of the plan and the requirements of the standards shall be denied. Amendment of the plan shall be accomplished in the same manner as its original approval.
- (3) In its review of the proposed development, the Planning Board and the City Commission shall make specific finding of fact relative to the following criteria:
  - A. That the development will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity and that such use will not

- change the essential character of the same area.
- B. That the development will not be hazardous or disturbing to existing or officially planned future neighboring uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
  - C. That the development will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
  - D. That the development will not involve uses, activities and conditions of operation that will be detrimental to any persons, property, or the general welfare.
  - E. Will have vehicular approaches to the property which shall be so designed as not to create and interfere with traffic on surrounding public thoroughfares.

(Ord. 03-244. Passed 7-8-03.)

## CHAPTER 1109

### RFBH Factory-Built Housing Residence District

#### **1109.01 Purpose.**

#### **1109.02 Principal uses permitted.**

#### **1109.03 Provisional uses permitted.**

#### **1109.04 Conditional uses permitted.**

#### **1109.05 Accessory uses permitted.**

#### **1109.06 General provisions.**

#### **1109.07 Special provisions.**

#### **1109.01 PURPOSE.**

The purpose of this district is to provide for the placement of factory-built homes within parks for factory-built housing or upon individually subdivided lots with a lot size smaller than that allowed in other districts permitting single-family dwellings. The RFBH district also provides a location for the placement of homes which do not have a minimum building width of 20 feet.

#### **1109.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Adult family home.
- (b) Day-care home, type B.
- (c) Dwelling, single-family detached.
- (d) Family home.

#### **1109.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Dwelling, zero lot line or attached, subject to the requirements of Chapter 1135.

#### **1109.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Club, subject to the requirements of Chapter 1135.
- (b) Day-care home, type A.
- (c) Public utility or public use, subject to the requirements of Chapter 1135.
- (d) Religious institution subject to the requirements of Chapter 1135.
- (e) School, generalized private instruction.
- (f) Community center, subject to the requirements of Chapter 1135.

(Ord. 09-94. Passed 4-14-09.)

#### **1109.05 ACCESSORY USES PERMITTED.**

The accessory uses as regulated in the RR-1 district shall be permitted.

(Ord. 02-177. Passed 4-16-02.)

#### **1109.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six.

#### **1109.07 SPECIAL PROVISIONS.**

A factory-built housing development shall be subject to the following special provisions:

- (a) In no instance shall an area zoned RFBH be less than 10 acres nor consist of less than 25 sites for factory-built homes.

- (b) A setback of 40 ft. shall be provided for all factory built dwellings from an RFBH district boundary.
- (c) Parks for factory-built homes shall comply with the requirements of the Ohio Administrative Code, Chapter 3701-3727.
- (d) Parks and subdivisions for factory-built homes shall be screened from abutting RS districts according to Subsection 1161.02(i), Screening. It shall be the responsibility of the lot owners in a subdivision to maintain the screen along the boundary of the district coincident to the lot lines.
- (e) Parks for factory-built homes shall be subject to the Special; Provisions of Subsection 1108.07(b).

## CHAPTER 1111

### RM-12 Low-Density, Multi-Family Residence District

#### **1111.01 Purpose.**

#### **1111.02 Principal uses permitted.**

#### **1111.03 Provisional uses permitted.**

#### **1111.04 Conditional uses permitted.**

#### **1111.05 Accessory uses permitted.**

#### **1111.06 General provisions.**

#### **1111.07 Special provisions.**

#### **1111.01 PURPOSE.**

The purpose of this district is to provide for areas of high density single-family residential development and for low-density, multi-family residential development. Dwellings in this district should have good access to all city services and facilities.

#### **1111.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Adult family home.
- (b) Day-care home, type B.
- (c) Duplex.
- (d) Dwelling, multi-family low-rise.
- (e) Dwelling, single-family detached.
- (f) Family home.

#### **1111.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Accessory apartment, subject to the requirements of Chapter 1135.
- (b) Dwelling, zero lot line or attached, subject to the requirements of Chapter 1135.
- (c) Nursing home, subject to the requirements of Chapter 1135.
- (d) Religious institution, subject to the requirements of Chapter 1135.
- (e) Rooming house, provided the minimum lot area per rooming unit shall be 2725 square feet.

#### **1111.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Bed and breakfast establishment when operated by the resident who also is the owner.
- (b) Cemetery or mausoleum, subject to the requirements of Chapter 1135.
- (c) Club, subject to the requirements of Chapter 1135.
- (d) Day-care center.
- (e) Day-care home, type A.
- (f) Group home.
- (g) Halfway house, provided a maximum of eight (8) parolees shall reside on the premises.
- (h) Public utility or public use, subject to the requirements of Chapter 1135.
- (i) School, generalized private instruction.
- (j) Emergency housing, provided the minimum lot area shall be 750 square feet for each permanent resident and 200 square feet times the maximum permitted occupant load for guests.
- (k) Community center, subject to the requirements of Chapter 1135.

(Ord. 09-94. Passed 4-14-09.)

#### **1111.05 ACCESSORY USES PERMITTED.**

The accessory uses as regulated in the RS-8 district shall be permitted. In lieu of a 120-square foot storage building, there may be a storage building of not more than 64-square feet for each apartment unit. In addition, a storage building for maintenance of the property by the owner of the lot shall be permitted.

(Ord. 02-177. Passed 4-16-02.)

#### **1111.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1111.07 SPECIAL PROVISIONS.**

Development with two or more principal uses or buildings on a lot larger than two (2) acres or with a multifamily dwelling or dwellings of more than 24 units regardless of the size of the lot shall be subject to the Special Provisions of Subsection 1108.07(b).

## **CHAPTER 1112**

### **RM-20 Medium-Density, Multi-Family Residence District**

#### **1112.01 Purpose.**

#### **1112.02 Principal uses permitted.**

#### **1112.03 Provisional uses permitted.**

#### **1112.04 Conditional uses permitted.**

#### **1112.05 Accessory uses permitted.**

#### **1112.06 General provisions.**

#### **1112.07 Special provisions.**

#### **1112.01 PURPOSE.**

The purpose of this district is to provide for the development of medium-density, low-rise multi-family housing in areas suitable for this density. This district is particularly well suited to locations adjacent to neighborhood activity centers, but it should have good access to all city services and facilities.

#### **1112.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Dwelling, low-rise multi-family.

#### **1112.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Accessory apartment, subject to the requirements of Chapter 1135.
- (b) Adult family home subject to the dimensional requirements of the RS-8 district.
- (c) Day-care home, type B, subject to the dimensional requirements of the RS-8 district.
- (d) Duplex, subject to the dimensional requirements of the RM-12 district and provided the minimum lot area shall be 5,000 square feet and the minimum lot area per unit shall be 2,000 square feet.
- (e) Dwelling, single-family detached, subject to the dimensional requirements of the RS-8 district.
- (f) Dwelling, zero lot line or attached, subject to the requirements of Chapter 1135 and the dimensional requirements of the RM-12 district and provided the minimum lot area per unit shall be 1,800 square feet.
- (g) Family home, subject to the dimensional requirements of the RS-8 district.
- (h) Fraternity/sorority house, provided the minimum lot area shall be 545 square feet times the maximum permitted occupant load.
- (i) Nursing home, subject to the requirements of Chapter 1135.
- (j) Religious institution subject to the requirements of Chapter 1135.
- (k) Rooming house, provided the minimum lot area per rooming unit shall be 2,000 square feet.

#### **1112.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Adult family home.
  - (b) Bed and breakfast establishment when operated by the resident who also is the owner.
  - (c) Cemetery or mausoleum, subject to the requirements of Chapter 1135.
  - (d) Club, subject to the requirements of Chapter 1135.
  - (e) Day-care center.
  - (f) Day-care home, type A.
  - (g) Group home.
  - (h) Emergency housing, provided the minimum lot area shall be 500 square feet for each permanent resident and 200 square feet times the maximum permitted occupant load for guests.
  - (i) Halfway house, provided a maximum of eight (8) parolees shall reside on the premises.
  - (j) Public utility or public use, subject to the requirements of Chapter 1135.
  - (k) School, generalized private instruction.
  - (l) Community center, subject to the requirements of Chapter 1135.
- (Ord. 09-94. Passed 4-14-09.)

#### **1112.05 ACCESSORY USES PERMITTED.**

The accessory uses as regulated in the RM-12 district shall be permitted.

(Ord. 02-177. Passed 4-16-02.)

## **1112.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

## **1112.07 SPECIAL PROVISIONS.**

Development with two or more principal uses or buildings on a lot larger than two (2) acres or with a multifamily dwelling or dwellings of more than 24 units regardless of the size of the lot shall be subject to the Special Provisions of Subsection 1108.07(b).

# **CHAPTER 1113**

## **CN-2 Neighborhood Commercial District**

### **1113.01 Purpose.**

#### **1113.02 Principal uses permitted.**

#### **1113.03 Provisional uses permitted.**

#### **1113.04 Conditional uses permitted.**

#### **1113.05 Accessory uses permitted.**

#### **1113.06 General provisions.**

#### **1113.07 Special provisions.**

### **1113.01 PURPOSE.**

The purpose of this district is to provide for the development of pedestrian-oriented uses that serve the small-scale retail, service, office, and entertainment needs of one or more fully developed residential neighborhoods, a residential area of approximately 5,000 to 15,000 persons. Stores, offices and other businesses in this district should generally be useful to the majority of the neighborhood residents within walking distance, as well as the specialty needs of the community as a whole. Large-scale grocery and retail are not appropriate uses. Small-scale retail, service, and restaurant establishments should constitute the primary uses in this district. The district is intended to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities.

This district also serves as a mixed-use transitional area between high intensity central business district uses and residential uses. Light production, manufacturing, and assembly uses are permitted at appropriate transitional areas as conditional uses. Civic and neighborhood-oriented uses, as well as some residential, should be secondary functions of buildings in this district. All uses should be relatively nuisance-free to surrounding residents and not detract from the residential purpose and character of the surrounding neighborhood. Access to this district should be directly from an arterial or collector street.

(Ord. 07-131. Passed 5-15-07.)

### **1113.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Financial institution.
- (b) Grocery store, including specialty foods such as bakery and delicatessen goods (limited to maximum of 5,000 SF per store).
- (c) Personal service establishment. (Ord. 14-113. Passed 5-13-14.)
- (d) U.S. postal station.
- (e) Videotape rental store.
- (f) Copy service establishment.
- (g) Meeting Hall.
- (h) Optical, prosthetics, medical and dental supply store, limited to retail sales.
- (i) Pharmacy limited to the retail sale of drugs and pharmaceutical products (limited to maximum of 5,000 SF per store).
- (j) Museum and art gallery.
- (k) Office use allowed in the CO-1 District.
- (l) Retail establishment (including a restaurant, does not include a drive-in restaurant), except those uses listed as conditional uses (limited to maximum of 5,000 SF per business).

(Ord. 07-131. Passed 5-15-07.)

### **1113.03 PROVISIONAL USES PERMITTED.**

- (a) Dwelling located above the ground floor of another principal use allowed in this district, provided the density shall not exceed one (1) dwelling unit per 1,000 square feet of lot area for mixed-use buildings and 1,800 square feet for residential use buildings.
- (b) Duplex, subject to the dimensional requirements of the RM-12 district and provided the minimum lot area shall be 5,000 square feet and the minimum lot area per unit shall be 2,000 square feet.
- (c) Dwelling, single-family detached, subject to the dimensional requirements of the RS-8 district.
- (d) Dwelling, zero lot line or attached, subject to the requirements of Chapter 1135 and the dimensional requirements of the RM-12

district and provided the minimum lot area per unit shall be 1,800 square feet.

- (e) Religious institution subject to the requirements of Chapter 1135.  
(Ord. 07-131. Passed 5-15-07.)

#### **1113.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Day-care center.
  - (b) Public utility and public use, subject to the requirements of Chapter 1135.
  - (c) Emergency housing, provided the minimum lot area shall be at least 300 square feet for each permanent resident and 200 square feet times the maximum permitted occupant load for guests.
  - (d) Laundromat.
  - (e) Laundry and dry cleaning pick-up and delivery services establishment.
  - (f) School, specialized or general private instruction.
  - (g) Commercial recreational use.
  - (h) Theater (limited to maximum of 5,000 SF total theater space per building).
  - (i) Club
  - (j) Building construction and assembly.
  - (k) Communication station, center, and studio (not including a tower).
  - (l) Manufacture, compounding, processing, treatment assembling of articles or components from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cement, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather (except a tannery), metal, paper, plastics, precious or semi-precious metals or stones, rubber, shells, textiles, tobacco, wax, wire, wood (except logging camps, sawmills, and planing mills), and yarns.
  - (m) Wholesale trade and warehouse establishment.
  - (n) Retail establishment in excess of 5,000 square feet (including a restaurant, does not include a drive-in restaurant).
  - (o) Manufacture, processing and packaging of food and kindred products except grain milling and processing, stockyards and slaughter houses.
  - (p) Dwelling located on the ground floor of another principle use, provided the density shall not exceed one (1) dwelling unit per 1,800 square feet of lot area.
  - (q) Hotel.
  - (r) Parking, non-accessory. All parking must be screening using urban screening. Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10 percent opacity by including, at a minimum, one masonry post once every 10 feet. The materials for screening and their placement shall comply with the requirements of Subsection 1156.01 and 1161.02(h).
- (Ord. 07-131. Passed 5-15-07.)
- (s) Community center, subject to requirements of Chapter 1135.  
(Ord. 09-94. Passed 4-14-09.)

#### **1113.05 ACCESSORY USES PERMITTED.**

The accessory uses permitted in this district may include but are not limited to the following:

- (a) Storage space for a principal use, provided the space shall not exceed 40 percent of the total floor area for the principal use and all accessory uses, including the storage space.
- (Ord. 07-131. Passed 5-15-07.)

#### **1113.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

(Ord. 07-131. Passed 5-15-07.)

#### **1113.07 SPECIAL PROVISIONS.**

- (a) Development of a lot larger than two (2) acres shall be subject to the Special Provisions of Subsection 1108.07(b).  
(Ord. 07-131. Passed 5-15-07.)

### **CHAPTER 1114**

#### **RM-44 High Density Multi-Family Residence District**

##### **1114.01 Purpose.**

##### **1114.02 Principal uses permitted.**

##### **1114.03 Provisional uses permitted.**

##### **1114.04 Conditional uses permitted.**

##### **1114.05 Accessory uses permitted.**

##### **1114.06 General provisions.**

##### **1114.07 Special provisions.**

#### **1114.01 PURPOSE.**

The purpose of this district is to establish areas for the development of high density high-rise and low-rise multi-family dwellings and group living quarters. Additionally, it is intended that this district be located near an arterial street for proper access. Due to the different types of uses permitted within the district, careful attention to site design and development is expected to assure that all uses are mutually compatible.

#### **1114.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Day-care home, type B.
- (b) Dwelling, low-rise multi-family.

#### **1114.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Fraternity/sorority house, provided the minimum lot area shall be 330 square feet times the maximum permitted occupant load.
- (b) Nursing home, subject to the requirements of Chapter 1135.
- (c) Religious institution, subject to the requirements of Chapter 1135.
- (d) Rooming house, provided the minimum lot area per rooming unit shall be 1000 square feet.
- (e) Family home, subject to the dimensional requirements of the RS-8 district.
- (f) Adult Group Home, subject to the dimensional requirements of the RS-8 district.

(Ord. 04-71. Passed 3-9-04.)

#### **1114.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Adult group home, provided the minimum lot area shall be at least 300 square feet for each resident.
- (b) Bed and breakfast establishment when operated by the resident who also is the owner.
- (c) Dwelling, high-rise multi-family, subject to the requirements of Subsection 1151.01(b) and provided that the lot shall have frontage upon an arterial street identified on the Land Use Plan map.
- (d) Club, subject to the requirements of Chapter 1135.
- (e) Day-care center.
- (f) Day-care home, type A.
- (g) Emergency housing, provided the minimum lot area shall be 300 square feet for each permanent resident and 200 square feet times the maximum permitted occupant load for guests.
- (h) Group home, provided the minimum lot area shall be at least 300 square feet each resident.
- (i) Halfway house, provided a maximum of eight (8) parolees shall reside on the premises.
- (j) Public utility or public use, subject to the requirements of Chapter 1135.
- (k) Retail and service establishments listed as permitted uses in the CN-1 district, provided they are located on the ground level or below in a high-rise multi-family dwelling.
- (l) School, generalized and specialty private instruction.  
(Ord. 06-442. Passed 12-19-06.)
- (m) Community Center, subject to the requirements of Chapter 1135.  
(Ord. 09-94. Passed 04-14-09.)

#### **1114.05 ACCESSORY USES PERMITTED.**

The accessory uses as regulated in the RM-12 district shall be permitted.

(Ord. 02-177. Passed 4-16-02.)

#### **1114.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1114.07 SPECIAL PROVISIONS.**

Development with two or more principal uses or buildings on a lot larger than two (2) acres or with a multifamily dwelling or dwellings of more than 24 units regardless of the size of the lot shall be subject to the Special Provisions of Subsection 1108.07(b).

### **CHAPTER 1115**

#### **RM-44A High-Density, Multi-Use District**

##### **1115.01 Purpose.**

##### **1115.02 Principal uses permitted.**

##### **1115.03 Provisional uses permitted.**

##### **1115.04 Conditional uses permitted.**

##### **1115.05 Accessory uses and structures permitted.**

##### **1115.06 General provisions.**

### **1115.01 PURPOSE.**

The purpose of this district is to allow for the incremental development of agricultural land to residential property. The minimum size of an RM-44A District shall be 150 acres.

### **1115.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Any use or structure permitted in the A, RS-5, RS-8, RM-12, RM-20, or RM-44 districts, provided that any structure more than three stories in height shall be located at least 200 feet from any lot line.

(Ord. 02-177. Passed 4-16-02.)

### **1115.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Any provisional use or structure permitted in the A or RM-44 districts.

(Ord. 02-177. Passed 4-16-02.)

### **1115.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Any conditional use or structure permitted in the A or RM-44 districts.

(Ord. 02-177. Passed 4-16-02.)

### **1115.05 ACCESSORY USES AND STRUCTURES PERMITTED.**

The accessory uses as regulated in the A and RM-44 districts shall be permitted.

(Ord. 02-177. Passed 4-16-02.)

### **1115.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

## **CHAPTER 1116**

### **CO-1 Commercial Office District**

#### **1116.01 Purpose.**

#### **1116.02 Principal uses permitted.**

#### **1116.03 Provisional uses permitted.**

#### **1116.04 Conditional uses permitted.**

#### **1116.05 Accessory uses permitted.**

#### **1116.06 General provisions.**

#### **1116.07 Special provisions.**

### **1116.01 PURPOSE.**

The Commercial Office District (CO-1) is intended to provide specific areas where office uses, compatible businesses, apartments, and certain public and semi-public uses may be developed. The CO-1 District is useful as a transitional zone between residential and more intensive commercial or industrial areas. Access to this district should be directly from an arterial or collector street and not through a residential district.

### **1116.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Club.
- (b) Copy service establishment.
- (c) Hospital.
- (d) Meeting Hall.
- (e) Nursing home.
- (f) Office use, except for the following:
  - (1) Drive-in facility.
  - (2) Animal clinic.
- (g) Optical, prosthetics, medical and dental supply store, limited to retail sales.
- (h) Pharmacy limited to the retail sale of drugs and pharmaceutical products.
- (j) Photographic studio.
- (k) Financial institution.
- (l) Family home.

(Ord. 03-245. Passed 7-8-03.)

### **1116.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Barber shop and styling salon when located within the same building of a principal use and having its access to the main entrance or to a central corridor of the building.
- (b) Dwelling located above the ground floor of another principal use allowed in this district, provided the density shall not exceed one (1) dwelling unit per 1,800 square feet of lot area.
- (c) Florist shop when located within the same building of a principal use and having its access to the main entrance or to a central corridor of the building.
- (d) Religious institution subject to the requirements of Chapter 1135.  
(Ord. 05-238. Passed 9-20-05.)

### **1116.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Communication station and studio subject to the requirements of Chapter 1135. No communication tower may be located on the same lot with a station or studio.
- (b) Day-care center.
- (c) Drive-in facility associated with a financial institution.
- (d) Emergency housing, provided the minimum lot area shall be at least 300 square feet for each permanent resident and 200 square feet times the maximum permitted occupant load for guests.  
(Ord. 02-177. Passed 4-16-02.)
- (e) Funeral home subject to the requirements of Chapter 1135.
- (f) Group care facility, provided the minimum lot area shall be at least 300 square feet for each occupant.
- (g) Helipad or helistop in conjunction with a hospital.
- (h) Laundromat.
- (i) Laundry and dry cleaning pick-up and delivery services establishment.
- (j) Public utility or public use, subject to the requirements of Chapter 1135.
- (k) Restaurant (does not include a drive-in restaurant).
- (l) Retail sale of merchandise as an accessory use in conjunction with an office of a professional person, provided the retail floor areas shall not exceed 10 percent of the total floor area. The areas of the retail floor area shall include all that space of a room or rooms in which merchandise is displayed.
- (m) School, specialized private instruction.
- (n) Museum together with specific, approved, related commercial operations to serve museum patrons (such as, by way of example, a museum store).
- (o) Art gallery together with specific, approved, related commercial operations to serve art gallery patrons (such as, by way of example, retail sale of art and framing studio.)
- (p) Personal services establishment.  
(Ord. 05-238. Passed 9-20-05; Ord. 14-113. Passed 5-13-14.)
- (q) Community center, subject to the requirements of Chapter 1135.

### **1116.05 ACCESSORY USES PERMITTED.**

(a) Nonresidential uses. For nonresidential uses permitted in this district, there may be any accessory use provided that:

- (1) Fences are erected according to Chapter 1156.
- (2) Off-street parking and loading are provided according to Chapters 1153.
- (3) Retail sale of merchandise shall be regulated as provided in Section 1116.04 above.
- (4) Signs are erected according to Chapter 1155.
- (5) Storage space shall not exceed 40 percent of the total floor area.

(b) Residential uses. For residential uses permitted in this district, the accessory uses as regulated in the RM-44 District, Chapter 1114, shall be permitted.

### **1116.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

### **1116.07 SPECIAL PROVISIONS.**

Development of a lot larger than two (2) acres shall be subject to the Special Provisions of Subsection 1108.07(b).

## **CHAPTER 1117**

### **CN-1 Neighborhood Commercial District**

#### **1117.01 Purpose.**

#### **1117.02 Principal uses permitted.**

- 1117.03 Provisional uses permitted.**
- 1117.04 Conditional uses permitted.**
- 1117.05 Accessory uses permitted.**
- 1117.06 General provisions.**
- 1117.07 Special provisions.**

#### **1117.01 PURPOSE.**

The purpose of this district is to provide for the development of uses which meet the day-to-day needs of one or more fully developed residential neighborhoods, a residential area of approximately 5,000 to 15,000 persons. Stores, offices and other businesses in this district should be useful to the majority of the neighborhood residents and be economically supported by the residents and not by the community as a whole. A grocery store or grocery store/drugstore combination is favored as the principal tenant in this district. All uses should be relatively nuisance-free to surrounding residents and not detract from the residential purpose and character of the surrounding neighborhood. Access to this district should be directly from an arterial or collector street and not through a residential district.

#### **1117.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Bakery, limited to the retail sale of goods produced on premises.
  - (b) Financial institution.
  - (c) Gift shop.
  - (d) Grocery store, including specialty foods such as bakery and delicatessen goods.
  - (e) Personal service establishment.
- (Ord. 14-113. Passed 5-13-14.)
- (f) U.S. postal station.
  - (g) Videotape rental store.

#### **1117.03 PROVISIONAL USES PERMITTED.**

None.

#### **1117.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Day-care center.
- (b) Drive-in facility for a financial institution.
- (c) Drugstore, including the sale of a variety of goods, provided the total floor area shall not exceed 20,000 square feet.
- (d) Filling station, provided no part of the operation, including drives and other ancillary spaces, shall be located within 100 feet of a R district boundary.
- (e) Game room.
- (f) Office, provided:
  - (1) No office use shall occupy more than 1,800 square feet of floor area;
  - (2) The floor area of all office uses within an area zoned CN-1 shall not exceed 15 percent of the total floor area within the district;
  - (3) The location of a building for an office use shall be located as not to diminish convenient access to retail and other businesses located on a lot or separate tract.
- (g) Public utility and public use, subject to the requirements of Chapter 1135.
- (h) Restaurant (including a drive-in restaurant).
- (i) School, specialized private instruction.
- (j) Service station with grocery sales with or without a drive-thru or pick-up window showing specific site plans for the proposed use.

The determination by the Board to permit such use shall specify that the setback from adjacent R districts shall not be less than 100 feet unless the Board finds that a lesser setback requirement together with such fencing, landscape, and land use, as shall be required by such Board, will provide the necessary protection and screening to adjacent R districts. In no event, however, shall such setback be less than fifty (50) feet from any lot in an R district and it shall apply to the principal structure and any portion of the property used in conjunction with the principal use. In its findings, the Board shall require an appropriate agreement for maintenance of any landscaping and/or fencing required by the Board.

#### **1117.05 ACCESSORY USES PERMITTED.**

The accessory uses permitted in this district may include but are not limited to the following:

- (a) Storage space for a principal use, provided the space shall not exceed 40 percent of the total floor area for the principal use and all accessory uses, including the storage space.

#### **1117.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1117.07 SPECIAL PROVISIONS.**

- (a) In no instance shall an area zoned CN-1 be less than two (2) acres nor more than 10 acres. (For purposes of this requirement, the total area shall include the area of all contiguous tracts of land and all tracts of land separated by streets. The area of all streets included within or separating tracts of land within the district shall be excluded).

- (b) Development of a lot larger than two (2) acres shall be subject to the Special Provisions of Subsection 1108.07(b).

## CHAPTER 1118

### CC-2 Community Commercial District

- 1118.01 Purpose.**
- 1118.02 Principal uses permitted.**
- 1118.03 Provisional uses permitted.**
- 1118.04 Conditional uses permitted.**
- 1118.05 Accessory uses permitted.**
- 1118.06 General provisions.**
- 1118.07 Special provisions.**

#### **1118.01 PURPOSE.**

The purpose of this district is to provide locations for the development of community shopping and business areas which serve a major segment of the community population. In addition to a variety of retail goods and services, these areas may typically feature a number of large traffic generators that require access to major thoroughfares. While these areas are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities as specified. Access to this district should be directly from an arterial or collector street and not through a residential district.

#### **1118.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following permitted uses:

- (a) Business service establishment, except a drive- in facility.
- (b) Club.
- (c) Food locker.
- (d) Meeting hall.
- (e) Museum and art gallery.
- (f) Office use allowed in the CO-1 District.
- (g) Personal service establishment, except a drive- in facility.  
(Ord. 14-113. Passed 5-13-14.)
- (h) Retail establishment (including a restaurant), except those uses listed as conditional uses.
- (i) Theater.
- (j) Financial Institution.
- (k) Hotel or motel.  
(Ord. 06-217. Passed 6-13-06.)

#### **1118.03 PROVISIONAL USES PERMITTED.**

None.

#### **1118.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Animal specialty service, veterinary clinic, and animal hospital. Such uses shall be subject to the following requirements:
  - (1) The facility shall have no outside runs.
  - (2) Animals shall not be housed outside nor shall cages be stored outside.
  - (3) The building housing the facility shall be sound proofed to minimize the transmission of sound outside the walls of the building. A minimum sound transmission coefficient of 40 shall be maintained.
  - (4) All facilities shall be constructed and maintained in such a manner so as to prevent the emission of noxious or offensive odors.
  - (5) The facility shall be limited to the care of small domestic animals.
- (b) Automobile and truck oriented use.
- (c) Cemetery.
- (d) Day-care center.
- (e) Commercial recreational use.
- (f) Dwelling located above the ground floor of another principal use allowed in this district, provided the density does not exceed one (1) dwelling unit per 1,800 square feet of lot area.
- (g) Funeral home subject to the requirements of Chapter 1135.
- (h) Public utility or public use.
- (i) Religious institution.
- (j) School, specialized private instruction.
- (k) Emergency housing, provided there shall be at least 300 square feet of lot area for each permanent resident and 200 square feet for each guest.
  - (l) Drive-in facility for a financial institution.
  - (m) Mini-warehouse or self-storage facilities subject to the following requirements:
    - (i) Such mini-warehouse or self-storage facilities must be located at the rear of a lot used for other CC-2 purposes.

- (ii) The lot on which such use is permitted must have frontage on a thoroughfare as the same is shown on the adopted Thoroughfare Plan of The City of Springfield, Ohio, and entrance and exit to such use shall be from such thoroughfare.
  - (iii) All drives and parking areas serving the use shall have a paved surface such as asphalt, concrete, or like material.
  - (iv) Any such use on a lot located within 150 feet of or abutting a lot having a residential use in an R district shall be screened in accordance with the requirements of Section 1161.02(h) of this Zoning Code.
  - (v) There shall be one (1) off-street parking space for each 3,000 square feet of storage and such off-street parking shall be subject to Section 1158.02(b) of this Zoning Code.
- (n) Community Center, subject to the requirements of Chapter 1135.  
(Ord. 09-94. Passed 4-14-09.)

#### **1118.05 ACCESSORY USES PERMITTED.**

The accessory uses permitted in this district may include but are not limited to the following:

- (a) Storage space, provided the space shall not exceed 40 percent of the total floor area for the principal use and storage area.

#### **1118.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1118.07 SPECIAL PROVISIONS.**

Development of a lot or separate tract larger than two (2) acres shall be subject to the Special Provisions of Subsection 1108.07(b).

### **CHAPTER 1119**

#### **EC-1 Educational Campus District**

##### **1119.01 Purpose.**

##### **1119.02 Principal uses permitted.**

##### **1119.03 Provisional uses permitted.**

##### **1119.04 Conditional uses permitted.**

##### **1119.05 Accessory uses permitted.**

##### **1119.06 General provisions.**

##### **1119.07 Special provisions.**

#### **1119.01 PURPOSE.**

The purpose of this district is to establish appropriate areas for the development of educational campuses.

#### **1119.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Any use or structure permitted in the RM-20 district and as hereinafter modified, except halfway houses.  
(Ord. 03-244. Passed 7-8-03.)
  - (b) Institutional structures owned by a college or university and used for academic and related purposes, including the recreation, housing and feeding of students and guests of the college or university.
- (1) Such structures shall front either on a public street or permanent open public space or on a common yard or outer court or private court or private drive, which drive is paved to a width of at least twenty (20) feet if two-way, or twelve (12) feet if one-way. The aforementioned yards, courts, or open spaces shall be at least twenty-five (25) feet in width and every structure facing such shall be within fifty (50) feet of a public street or a private drive (minimum dimensions listed above).
- (2) Such structures abutting on a street designated as primary or secondary on the Thoroughfare Plan shall have a setback of twenty-five (25) feet or to any other established line, whichever is less. On streets not so designated as primary or secondary where the college or university erecting the structure owns property for a distance of 100 feet along one (1) side of the street right of way on both sides of the property to be built upon, or owns all of the street frontage within the block along the side of the street to be built upon, the front yard setback shall be not less than twenty (20) feet for fifty percent (50%) of the site along any on (1) street. On the remaining fifty percent (50%) of such frontage, the structure may project to the street right of way. Where the college or university does not own the above-sited frontages, a setback of twenty (20) feet along the front yard and fifteen (15) feet along the street side line of a corner lot shall be required.  
(Ord. 03-244. Passed 7-8-03.)
- (3) There shall be a minimum distance of fifteen (15) feet maintained between such structures and twenty-five (25) feet, or one-half (1/2) the height of the institutional structure, whichever is greater, between such structures and noninstitutional structures.
- (4) There shall be provided for or available to each such structure, hereafter erected, off-street parking facilities as follows:  
A. One (1) parking space, as hereinafter defined, for every six (6) students, which structure is designed to serve at any one (1) time, except that in the case of stadiums, sports arenas, theaters, churches and other places of assembly open to the public, one (1) parking space shall be provided or available for each ten (10) seats, counting as

one (1) seat each twenty (20) inches of seating facilities where pews, benches or similar seating facilities are employed. Where the number of parking spaces is determined by the student capacity, as set forth above, then in the event the college or university does not permit over twenty-five percent (25%) of the student body to operate and own motor vehicles, the number of parking spaces required shall be determined as follows:

- (i) One (1) parking space for each faculty member and other employee of the university or college. Duplication of parking facilities shall not be required in connection with the erection of several such structures, provided such parking facilities are available within the distance prescribed in subsection (b)(4)C. hereof.
  - B. Each off-street parking space must meet the requirements of Section 1153.05. Parking spaces available along private streets or roads which do not obstruct traffic shall be considered as qualifying for off-street parking.  
(Ord. 02-177. Passed 4-16-02.)
  - C. Off-street parking facilities shall be within 1,600 feet of the structure they are to serve and shall be of a permanent type, except that in the case of stadiums or sports arenas such facilities may be of a temporary nature if on an open field owned by the college or university owning the stadium or sports arena served.
- (5) Wherever the provisions of this section are inconsistent with those of any other more restrictive section, the provisions thereof shall govern.

#### **1119.03 PROVISIONAL USES PERMITTED.**

The provisional uses as regulated in the RM-20 district shall be permitted.

#### **1119.04 CONDITIONAL USES PERMITTED.**

The conditional uses as regulated in the RM-20 district shall be permitted, with the exception that halfway houses shall not be permitted in this district.

#### **1119.05 ACCESSORY USES AND STRUCTURES PERMITTED.**

The accessory uses as regulated in the RM-12 district shall be permitted.

#### **1119.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Titles Four, Five, and Six.

#### **1119.07 SPECIAL PROVISIONS.**

None.

## **CHAPTER 1120**

### **CB-10 Central Business District**

#### **1120.01 Purpose.**

#### **1120.02 Principal uses permitted.**

#### **1120.03 Provisional uses permitted.**

#### **1120.04 Conditional uses permitted.**

#### **1120.05 Accessory uses permitted.**

#### **1120.06 General provisions.**

#### **1120.07 Special provisions.**

#### **1120.01 PURPOSE.**

The Central Business District is intended to be the high intensity, compact, pedestrian oriented shopping, office, service, and entertainment area of the community. Development and redevelopment within this district should be compact to intensify usable commercial spaces while increasing the availability of open spaces, plazas, or pedestrian ways. The district is intended to accommodate a wide range of retail, office, and service uses. Automobile and truck oriented uses, as defined in this code, are not permitted except as otherwise provided. Consolidated off- street loading and service facilities should be provided wherever practical with access to be provided from public service alleys or courts. It is intended that on-street parking facilities be publicly provided and off-street accessory parking be allowed only as a conditional use. Residential development above the ground floor in this district is encouraged as a provisional use.

#### **1120.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Business service establishment, except a drive-in facility.
- (b) Hotel and motel.
- (c) Meeting hall.
- (d) Office use allowed in the CO-1 district.
- (e) Personal service establishment, except a drive-in facility.

- (f) Museum and art gallery.
  - (g) Retail establishment other than a drive-in facility.
  - (h) Theater.
  - (i) Financial institution.
  - (j) Restaurant.
  - (k) Dwelling, Single-Family Attached.
- (Ord. 18-209. Passed 8-14-18.)

#### **1120.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Residential development above the ground floor.  
(Ord. 02-177. Passed 4-16-02.)
- (b) Microbottler, provided that the following conditions are met:
  - (1) The production and packaging area shall not exceed 15,000 square feet.
  - (2) Microbottlers shall provide a tap room of at least 500 square feet that is oriented to the street or main pedestrian entrance of the building.
  - (3) The tap room shall be open for business at least ten (10) hours each week.  
(Ord. 15-41. Passed 2-17-15.)

#### **1120.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Day-care center.
- (b) Club.
- (c) Commercial recreational use.
- (d) Drive-in facility for a financial institution.
- (e) Off-street parking and loading subject to the provisions of Chapters 1153.
- (f) Public utility or public use subject to the requirements of Chapter 1135.
- (g) Religious institution.
- (h) School, specialized private instruction.
- (i) Community center, subject to the requirements of Chapter 1135.

#### **1120.05 ACCESSORY USES PERMITTED.**

The accessory uses permitted in this district may include but are not limited to the following:

- (a) Storage space, provided the space shall not exceed 40 percent of the total floor area for the principal use and storage area.

#### **1120.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1120.07 SPECIAL PROVISIONS.**

None.

### **CHAPTER 1121**

#### **CH-1 Highway Commercial District**

- 1121.01 Purpose.**
- 1121.02 Principal uses permitted.**
- 1121.03 Provisional uses permitted.**
- 1121.04 Conditional uses permitted.**
- 1121.05 Accessory uses permitted.**
- 1121.06 General provisions.**
- 1121.07 Special provisions.**

#### **1121.01 PURPOSE.**

The Highway Commercial District (CH-1) is intended for the location of uses which cater to the motoring public. Accordingly, this district is appropriate in locations along highways, expressways or other major thoroughfares.

#### **1121.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Automobile and truck-oriented use
- (b) Commercial recreational facility
- (c) Community center

- (d) Daycare center
  - (e) Financial institution
  - (f) Hotel or motel
  - (g) Office
  - (h) Restaurant
  - (i) Retail
  - (j) Theater
  - (k) Wholesale trade and warehouse establishment
- (Ord. 16-101. Passed 4-12-16.)

#### **1121.03 PROVISIONAL USES PERMITTED.**

None.

#### **1121.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Public utility or public use.
- (b) School, specialized private instruction.
- (c) Used merchandise store, including an antique store and flea market. Small new items such as trinkets may be sold in conjunction with used merchandise up to 50 percent of gross sales.

(Ord. 03-244. Passed 7-8-03.)

#### **1121.05 ACCESSORY USES PERMITTED.**

There may be any accessory use.

#### **1121.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1121.07 SPECIAL PROVISIONS.**

Development of a lot or separate tract larger than two (2) acres shall be subject to the Special Provisions of Subsection 1108.07(b).

## **CHAPTER 1122**

### **CI-1 Intensive Commercial District**

- 1122.01 Purpose.**
- 1122.02 Principal uses permitted.**
- 1122.03 Provisional uses permitted.**
- 1122.04 Conditional uses permitted.**
- 1122.05 Accessory uses permitted.**
- 1122.06 General provisions.**
- 1122.07 Special provisions.**

#### **1122.01 PURPOSE.**

The Intensive Commercial District (CI-1) is intended to provide areas for those sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by repair of motor vehicles, by outdoor commercial amusement and recreational activities, and by activities or operations conducted in buildings or structures not completely enclosed. Special attention must be directed toward buffering the negative aspects of these uses upon any residential use. Access to this district should be directly from an arterial or collector street and not through a residential district.

#### **1122.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Automobile and truck oriented use.
- (b) Club.
- (c) Carpet and rug cleaning establishment.
- (d) Contractor, special trade--office, yard, and pre-assembly yard.
- (e) Consignment shop.
- (f) Equipment rental agency.
- (g) Farm implement dealer.
- (h) Floor covering store.
- (i) Hardware and building supply store.
- (j) Lumber yard.
- (k) Marine equipment and supply.

- (l) Meeting hall.
  - (m) Museum and art gallery.
  - (n) Office use allowed in the CO-1 District.
  - (o) Plant nursery and florist shop.
  - (p) Repair shop.
  - (q) Restaurant.
  - (r) Storage building.
  - (s) Storage for commercial vehicles and equipment.
  - (t) Personal service establishment.
- (Ord. 14-113. Passed 5-13-14.)
- (u) Wholesale trade and warehouse establishment.

#### **1122.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Funeral home subject to the requirements of Chapter 1135.
- (b) Veterinary clinic and animal hospital, provided they shall comply with the requirements of Chapter 1135.
- (c) Manufacturing use engaged in light manufacturing, including compounding, assembly and/or processing of articles, provided:
  - (1) The floor area of the principal use shall not exceed 5,000 square feet,
  - (2) The lot on which the use is located shall not be contiguous to a lot with a use owned or operated by the same person,
  - (3) A person intending to establish such use can demonstrate compliance with the performance standards of Chapter 1161 through certification by a registered professional engineer or other qualified person, and
- (d) The following uses shall be prohibited:
  - A. Chemicals and allied products, manufacture of.
  - B. Disposal, reduction or dumping of dead animals or offal.
  - C. Explosives, manufacture of.
  - D. Grain processing.
  - E. Leather tanning.
  - F. Meat packing.
  - G. Radioactive waste storage or disposal.
  - H. Rubber and plastics, manufacture of.
  - I. Sawmills.
- (e) Retail establishment, other than listed, when associated with the uses allowed in this district and provided that not more than 40 percent of the total ground floor area shall be devoted to the retail display of merchandise.

#### **1122.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Sexually oriented business provided it shall not be located within 500 feet of an R district, public park, religious institution, or school nor within 100 feet from a bar, cocktail lounge or tavern or another sexually oriented business. No alcoholic beverage shall be served on the premises.
- (Ord. 19-85. Passed 3-26-19.)
- (b) Commercial recreational use.
  - (c) Dwelling located above the ground floor of another principal use permitted in this district, provided the density shall not exceed one (1) dwelling unit per 1,800 square feet of lot area.
  - (d) Manufacturing use engaged in light manufacturing, including compounding, assembly and/or processing of articles, where the floor area of the principal use exceeds 5,000 square feet but not more than 15,000 square feet.
  - (e) Laundry, cleaning, and garment services, including dry-cleaning plants, carpet and upholstery cleaning establishments, and other uses listed in Industry Group 721 of the Standard Manufacturing Classification Manual.
  - (f) Public utility or public use.
  - (g) Schools, specialized private instruction.

#### **1122.05 ACCESSORY USES PERMITTED.**

Any accessory use shall be permitted.

#### **1122.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1122.07 SPECIAL PROVISIONS.**

None.

## **CHAPTER 1123**

### **Research and Development Park District (RDP)**

- 1123.01 Purpose.**
- 1123.02 Principal uses permitted.**
- 1123.03 Provisional uses permitted.**
- 1123.04 Conditional uses permitted.**
- 1123.05 Accessory uses permitted.**
- 1123.06 General provisions.**
- 1123.07 Special provisions.**

#### **1123.01 PURPOSE.**

The purpose of this district is to provide areas for the location of office and research facilities in conjunction with production and/or assembly of prototype products. The requirements of this district are intended to provide protection from the adverse impacts of uses within the district upon adjacent properties. The types of uses permitted within this district with the restrictions placed upon them make this district suitable for location near residential districts. Access to this district should be directly from an arterial or collector street and not through a residential district. Hotels, motels and similar uses should be located peripheral to the district or in other locations that do not adversely effect the setting and quality of the uses within the district.

#### **1123.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Data processing and computer operation.
- (b) Merchandise and product display center, but not including the retail sale of merchandise.
- (c) Office use allowed in the CO-1 district.
- (d) Research, testing and experimental laboratory.

#### **1123.03 PROVISIONAL USES.**

A lot or building may be occupied by the following provisional uses:

- (a) Manufacture and assembly of a prototype established in conjunction with and not exceeding the area of a research, testing and experimental laboratory.
- (b) Warehousing, storage and distribution facility established in conjunction with and not exceeding the area of a principal use listed in this district.

#### **1123.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Communication station, center, studio or tower, subject to the requirements of Chapter 1136.
- (b) Day-care center, provided it is located within the building of another principal use listed in this district.
- (c) Heliport and helistop, provided it is not located within one-quarter (1/4) mile of an R district.
- (d) Hotel, motel, and convention center and a restaurant in association with these uses.
- (e) Public utility or public use, subject to the requirements of Chapter 1135.
- (f) School, generalized and specialized private instruction above the 12th grade level.

#### **1123.05 ACCESSORY USES PERMITTED.**

There may be any accessory use.

#### **1123.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1123.07 SPECIAL PROVISIONS.**

- (a) In no instance shall an area zoned RDP be less than 10 acres.
- (b) A request to rezone land to an RDP district shall be accompanied by a plan for development of the park, meeting the procedural requirements of Chapter 1174 and accompanied by the following:
  - (1) A conceptual master plan for the park showing, at a minimum, the following:
    - A. Size of the tract to be rezoned and developed as a research and development park.
    - B. Existing topographic features of the land, including drainage ways, wooded areas and contours.
    - C. General location of uses, with a minimum of 60 percent of the park area designated for office and/or research uses.
    - D. General location of any public uses, if any.
    - E. Traffic circulation patterns within the park.
    - F. Methods of buffering the research park from adjacent uses.
    - G. General treatment of signage for entrance ways to the park.
    - H. An illustration of entrances to the park.
    - I. Anticipated accommodation for stormwater management.
    - J. Means of waste disposal.
  - (2) Development standards for the particular park addressing such things as the use of building materials, fencing, lighting, landscaping, outside storage, setbacks and lot coverage to ensure compatibility of design within the research park

and to minimize the adverse effects of the development of one lot on another. The development standards may fulfill, in part, features of the conceptual master plan and shall become part of the restrictive covenants of the park.

(c) The conceptual master plan is intended to be a guide for the development of a research development park. Building permits requested for construction within the park shall be evaluated by the Community Development Director or his designee for compliance with the guidelines of the master plan and the requirements of the development standards. Permit applications which do not meet the guidelines of the plan and the requirements of the standards shall be denied. Amendment of the plan and/or standards shall require amendment of the ordinance zoning the park, pursuant to Chapter 1174.

## CHAPTER 1124

### M-1 General Manufacturing District

#### **1124.01 Purpose.**

#### **1124.02 Principal uses permitted.**

#### **1124.03 Provisional uses permitted.**

#### **1124.04 Conditional uses permitted.**

#### **1124.05 Accessory uses permitted.**

#### **1124.06 General provisions.**

#### **1124.07 Special provisions.**

#### **1124.01 PURPOSE.**

The purpose of this district is to provide for the development of most types of manufacturing firms and related uses. Regulations are designed to protect adjacent residential and non-manufacturing districts. Access to this district should be directly from an arterial or collector street and not through a residential district.

#### **1124.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Building construction and assembly.
- (b) Club, limited to use by a labor union.
- (c) Communication station, center, and studio (not including a tower).
- (d) Manufacture, compounding, processing, treatment and assembling of articles or components from previously prepared materials such as but not limited to bone, canvas, cellophane, cement, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather (except a tannery), metal, paper, plastics, precious or semi-precious metals or stones, rubber, shells, textiles, tobacco, wax, wire, wood (except logging camps, sawmills, and planing mills), and yarns.
- (e) Manufacture of chemicals and allied products, except fertilizer manufacturing and alcohol plants.
- (f) Manufacture, processing and packaging of food and kindred products except grain milling and processing, stockyards and slaughter houses.
- (g) Printing and publishing establishment.
- (h) Railroad switching, storage, freight yard and maintenance facility.
- (i) Truck maintenance facility, including truck repair, fueling and washing.
- (j) Truck transfer facility, not including solid waste transfer.
- (k) Research, testing and experimental laboratory.
- (l) Wholesale trade and warehouse establishment.

#### **1124.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

- (a) Communication tower, subject to the requirements of Chapter 1136.
- (b) Residence of the proprietor, caretaker or watchman when located on the premises of the commercial or manufacturing use.

#### **1124.04 CONDITIONAL USES PERMITTED.**

A lot or building may be occupied by the following conditional uses:

- (a) Cementitious concrete batch/mix plant.
- (b) Heliport and helistop.
- (c) Public utility or public use.
- (d) School, specialized private instruction.
- (e) Solid waste transfer station (except a rock or aggregate crushing or recycling plant), provided the operation is totally enclosed within a building.

(Ord. 06-375. Passed 10-17-06.)

- (f) Sexually oriented business, provided it shall not be located within 500 feet of an R district, public park, religious institutions, or school nor within 100 feet from a bar, cocktail lounge or tavern or another sexually oriented business. No alcoholic beverage shall be served on the premises.

(Ord. 19-85. Passed 3-26-19.)

(g) Automobile-oriented use.  
(Ord. 06-375. Passed 10-17-06.)

#### **1124.05 ACCESSORY USES PERMITTED.**

There may be any accessory use.

#### **1124.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1124.07 SPECIAL PROVISIONS.**

None.

### **CHAPTER 1125**

#### **M-2 Heavy Manufacturing District**

##### **1125.01 Purpose.**

- 1125.02 Principal uses permitted.**
- 1125.03 Provisional uses permitted.**
- 1125.04 Conditional uses permitted.**
- 1125.05 Accessory uses permitted.**
- 1125.06 General provisions.**
- 1125.07 Special provisions.**

##### **1125.01 PURPOSE.**

The purpose of this district is to provide for heavy or intense industries and related uses. The district is designed primarily for manufacturing uses and activities which have external effects which could have an impact on adjacent less intense uses. Access to this district should be directly from an arterial or collector street and not through a residential district.

##### **1125.02 PERMITTED USES.**

A lot or building may be occupied by the following principal uses:

- (a) Any manufacturing use not listed as a provisional or conditional use in this district, except the following uses which shall be prohibited:
  - (1) Demolition dump.
  - (2) Disposal, reduction or dumping of dead animals or offal.
  - (3) Explosives manufacturing.
  - (4) Fertilizer manufacturing.
  - (5) Paper mill.
  - (6) Production of Portland cement.
  - (7) Radioactive waste storage or disposal site.
- (b) Public utility or public use.

##### **1125.03 PROVISIONAL USES PERMITTED.**

A lot or building may be occupied by the following provisional uses:

None.

##### **1125.04 CONDITIONAL USES PERMITTED.**

A lot or building may be used for the following conditional uses:

- (a) Alcohol plant.
- (b) Animal food plant.
- (c) Extraction subject to the requirements of Chapter 1135.
- (d) Salvage yard subject to the requirements of Chapter 1135.
- (e) Production of stone, clay, and glass material.
- (f) Rock and aggregate crushing and recycling plant.
- (g) Stockyard or slaughter house.
- (h) Tannery. (Ord. 03-244. Passed 7-8-03.)
- (i) Sexually oriented business, provided it shall not be located within 500 feet of an R district, public park, religious institutions, or school nor within 100 feet from a bar, cocktail lounge or tavern or another sexually oriented business. No alcoholic beverage shall be served on the premises.

(Ord. 19-85. Passed 3-26-19.)

**1125.05 ACCESSORY USES PERMITTED.**

There may be any accessory use.

**1125.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

**1125.07 SPECIAL PROVISIONS.**

None.

**CHAPTER 1126****G Green Space, Park, and School District****1126.01 Purpose.****1126.02 Principal uses permitted.****1126.03 Provisional uses permitted.****1126.04 Conditional uses permitted.****1126.05 Accessory uses permitted.****1126.06 Dimensional requirements.****1126.07 General provisions.****1126.08 Special provisions.****1126.01 PURPOSE.**

The purpose of this district is to provide and maintain lands for open space and for essential public service.

**1126.02 PRINCIPAL USES PERMITTED.**

A lot or building may be occupied by the following principal uses:

- (a) Open space in any form of undeveloped land.
- (b) Publicly owned and operated parks and recreation areas.
- (c) Public service facilities or specific uses that are determined by the City Commission to be necessary or incidental to the operation of the City or any of its departments.
- (d) Schools.

**1126.03 PROVISIONAL USES PERMITTED.**

None.

**1126.04 CONDITIONAL USES PERMITTED.**

None.

**1126.05 ACCESSORY USES AND STRUCTURES PERMITTED.**

There may be any accessory use.

**1126.06 DIMENSIONAL REQUIREMENTS**

None.

**1126.07 GENERAL PROVISIONS.**

Any development of land under this section shall be approved by the City Commission after recommendation of the Planning Board having jurisdiction.

(Ord. 03-288. Passed 8-19-03.)

**1126.08 SPECIAL PROVISIONS.**

None.

**CHAPTER 1127****OFP Flood Plain Overlay District****1127.01 Statutory authorization; findings of fact; purpose and objectives.**

- 1127.02 Definitions.**
- 1127.03 General provisions.**
- 1127.04 Administration.**
- 1127.05 Provisions for flood hazard reduction.**
- 1127.06 Board of Zoning Appeals and variance procedure.**

#### **1127.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE AND OBJECTIVES.**

(a) **Statutory authorization.** ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Commission of the City of Springfield, State of Ohio, does ordain as follows:

**(b) Findings of fact.**

- (1) The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) Uses that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss.

(c) **Statement of purpose.** It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) **Methods of reducing flood losses.** In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### **1127.02 DEFINITIONS.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) (1) **Accessory structure** means a structure on the same lot with and of a nature customarily incidental and subordinate to the principal structure.
- (2) **Appeal** means a request for review of the Community Development Director or his designee's interpretation of any provision of this chapter or a request for a variance.
- (3) **Area of shallow flooding** means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (4) **Area of special flood hazard** means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1 30, and A99.
- (b) (1) **Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred (100) year flood.
- (2) **Basement** means any area of the building having its floor (below ground level) on all sides.
- (c) Reserved.
- (d) (1) **Development** means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (e) Reserved.
- (f) (1) **Federal Emergency Management Agency (FEMA)** means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (2) **Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (A) the overflow of inland or tidal waters, and/or

- (B) the unusual and rapid accumulation or runoff of surface waters from any source.
- (3) **Flood Insurance Rate Map (FIRM)** means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (4) **Flood Insurance Study** means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, and floodway boundaries, and the water surface elevations of the base flood.
- (5) **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (g) Reserved.
- (h) (1) **Historic structure** means any structure that is:
- (A) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (B) 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;
- (C) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- (D) Individually listed on the inventory of historic places maintained by the City of Springfield whose historic preservation program has been certified by the Ohio Historic Preservation Office.
- (i) Reserved.
- (j) Reserved.
- (k) Reserved.
- (l) (1) **Lowest floor** means the lowest floor of the lowest enclosed area (including 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 design requirements specified in this chapter for enclosures below the lowest floor.
- (m) (1) **Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (2) **Manufactured home park** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.
- (3) **Manufactured home subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.
- (n) (1) **New construction** means structures for which the "start of construction" commenced on or after the initial effective date of the City's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (o) Reserved.
- (p) Reserved.
- (q) Reserved.
- (r) (1) **Recreational vehicle** means a vehicle which is (A) built on a single chassis, (B) 400 square feet or less when measured at the largest horizontal projection, (C) designed to be self-propelled or permanently towable by a light duty truck, and (D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (s) (1) **Start of construction** means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (2) **Structure** means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (3) **Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- (4) **Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:
- (A) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local

- code enforcement official and which are the minimum necessary to assure safe living conditions;
- (B) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
- (C) Any improvement to a structure which is considered new construction.
- (t) Reserved.
- (u) Reserved.
- (v) (1) **Variance** means a grant of relief from the standards of this chapter consistent with the variance conditions herein.
- (2) **Violation** means the failure of a structure or other development to be fully compliant with this chapter.

### **1127.03 GENERAL PROVISIONS.**

(a) **Lands to which this chapter applies.** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City as identified by the Federal Emergency Management Agency referenced in Section 1127.03(b), including any additional areas of special flood hazard annexed by the City.

(b) **Basis for establishing the areas of special flood hazard.** The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the City of Springfield, Ohio." This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated December 3, 1987, and, for areas annexed by the City, the "Flood Insurance Study for Clark County, Ohio (Unincorporated areas)," with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated July 2, 1987. These studies and maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Community Development Department, 76 East High Street, Springfield, Ohio.

(c) **Compliance.** No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1127.04(b).

(d) **Abrogation and greater restrictions.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) **Interpretation.** In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body to accomplish the regulation's intended purpose; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this chapter is in conflict with a state law, such state law shall take precedence over the chapter.

(f) **Warning and disclaimer of liability.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

### **1127.04 ADMINISTRATION.**

(a) **Establishment of development permit.** A Development Permit shall be obtained from the Director of Community Development or his designee before construction or development begins within any area of special flood hazard established in Section 1127.03(b). Application for a Development Permit shall be made on forms furnished by the Director of Community Development and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in areas of special flood hazard where base flood elevation data are utilized from any source;
- (2) Elevation in relation to mean sea level to which any proposed nonresidential structure will be floodproofed in accordance with Section 1127.05(b)(2) where base flood elevation data are utilized from any source;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1127.05(b)(2) where base flood elevation data are utilized from any source;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
- (5) Certification by a registered professional engineer, architect, or surveyor of the structure's as-built lowest floor or floodproofed elevation.

(b) **Exemption from filing a development permit.** An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000. Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this chapter.

(c) **Designation of the flood damage prevention chapter administrator.** The Community Development Director or his designee is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) **Duties and responsibilities of the Community Development Director or his designee.** The duties and responsibilities of the Director of Community Development or his designee shall include but are not limited to:

(1) **Permit review.**

- (A) Review all development permit applications to determine that the permit requirements of this chapter have been satisfied.
- (B) Review all development permit applications and all other necessary permits submitted which have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
- (C) Review all development permit applications to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1127.05(c)(1) is met.
- (D) Inspect all development projects before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this chapter.

(2) **Use of other base flood elevation and floodway data.** Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1127.03(b) are designated as Zone A on the Flood Insurance Rate Map. Within these areas, the Community Development Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 1127.05(b)(6) in order to administer Section 1127.05(b)(1) and (2); and where floodway data are available, administer Section 1127.05(c).

(3) **Information to be obtained and maintained by the City.** Where base flood elevation data are utilized within areas of special flood hazard on the City's or the County's Flood Insurance Rate Map, regardless of the source of such data, the Community Development Director or his designee shall:

- (A) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
- (B) For all new or substantially improved floodproofed nonresidential structures:
  - (i) obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
  - (ii) maintain the floodproofing certification required in Section 1127.04(a)(3).
- (C) Maintain for public inspection all records pertaining to the provisions of this chapter, including base flood elevation data, Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, and as-built elevations.

(4) **Alteration of watercourses.**

- (A) Notify adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.
- (B) Maintain engineering documentation required in Section 1127.04(a)(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
- (C) Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

(5) **Interpretation of flood boundaries.** Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile from the Flood Insurance Study shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1127.06.

(6) **Alteration of community boundaries.** Upon occurrence, notify FEMA in writing whenever the boundaries of the City have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City's Flood Insurance Rate Map accurately represent the City's boundaries, include within such notification a copy of a map of the City's suitable for reproduction, clearly delineating the new corporate limits or the new area for which the City has assumed or relinquished floodplain management regulatory authority.

## **1127.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

(a) **General Standards.** The following standards apply in all areas of special flood hazard including those where base flood elevation data have been provided. Where a structure, including its foundation members, is elevated on fill to at least one (1) foot above the base flood level, the requirements for Section 1127.05(a)(1) and (2) are satisfied.

(1) **Anchoring.**

- (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (B) All manufactured homes, not otherwise regulated under the Ohio Revised Code pertaining to manufactured home parks, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from

hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.

**(2) Construction materials and methods.**

- (A) All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
- (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
- (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

**(3) Utilities.** The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- (B) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (C) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**(4) Subdivision proposals.**

- (A) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
- (B) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (C) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
- (D) All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of Section 1127.05(b)(6).

**(5) Standards in areas of special flood hazard without base flood elevation data.** In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, including Section 1127.04(d)(2), the following provisions apply:

- (A) New construction and substantial improvement of any residential (including manufactured homes), commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to the flood of record or at least two feet above the highest adjacent natural grade, whichever is greater.

**(b) Specific standards.** In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 1127.03(b), Section 1127.04(d)(2), or Section 1127.05(b)(6), the following additional provisions are required:

**(1) Residential construction.**

- (A) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation.
- (B) In AO zones new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the City's or the County's Flood Insurance Rate Map, or at least two feet if no depth number is specified, and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**(2) Nonresidential construction.**

- (A) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  - (i) be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of at least one (1) foot above the base flood elevation;
  - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1127.04(a)(3).
- (B) In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the City's or the County's Flood Insurance Rate Map (at least two feet if no depth number is specified); or be floodproofed to that level consistent with the floodproofing standards of Section 1127.05(b)(2)(A), and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**(3) Accessory structures.**

- (A) A relief to the elevation or dry floodproofing standards may be granted by the Board of Zoning Appeals for accessory structures (e.g., sheds, detached garages) containing no more than 576 square feet and a value of no more than \$ 10,000 dollars. Such structures must meet the encroachment provisions of Section 1127.05(c) and the following additional standards:
  - (i) they shall not be used for human habitation;
  - (ii) they shall be constructed of flood resistant materials;
  - (iii) they shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
  - (iv) they shall be firmly anchored to prevent flotation;
  - (v) service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the base flood elevation; and,
  - (vi) they shall meet the opening requirements of Section 1127.05(b)(5).

(4) **Manufactured homes and recreational vehicles.** The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home park requirements of Section 3733.01, Ohio Revised Code.

- (A) Manufactured homes shall be anchored in accordance with Section 1127.05(a)(1)(B).
- (B) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

These standards shall also apply to all recreational vehicles that are either (i) located on sites for 180 days or more, or (ii) are not fully licensed and ready for highway use.

(5) **Enclosures below the lowest floor.** The following standards apply to all new and substantially improved residential and nonresidential non-basement structures which are elevated to at least one (1) foot above the base flood elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

- (A) Be certified by a registered professional engineer or architect; or,
- (B) Must meet or exceed the following criteria:
  - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (ii) the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) **Subdivisions and large developments.** In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1127.03(b) or Section 1127.04(d)(2), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):

- (A) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
- (B) If Section 1127.05(b)(6)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1127.05(a) and Section 1127.05(b).

(c) **Floodways.**

(1) **Areas within floodways.** The Flood Insurance Study referenced in Section 1127.03(b) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1127.04(d)(2). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and cause erosion. The following provisions apply within all delineated floodway areas:

- (A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If Section 1127.05(c)(1)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1127.05(b).

(C) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Community Development Director or his designee to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.

(2) **Areas without floodways.** In all areas of special flood hazard where the Flood Insurance Study provides base flood elevation data as set forth in Section 1127.03(b), but no floodways have been designated, the following provisions apply:

- (A) New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 (one) foot at any point.
- (B) If Section 1127.05(c)(2)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1127.05.

## **1127.06 BOARD OF ZONING APPEALS AND VARIANCE PROCEDURE.**

(a) **Appeal Board.**

- (1) The Board of Zoning Appeals as established by the City of Springfield shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Community Development or his designee in the enforcement or administration of this chapter.
- (3) Those aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, may appeal such decision to the Clark County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
- (4) In passing upon such applications, the Board of Zoning Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of this chapter, and:
  - (A) the danger that materials may be swept onto other lands to the injury of others;
  - (B) the danger to life and property due to flooding or erosion damage;

- (C) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (D) the importance of the services provided by the proposed facility to the community;
  - (E) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (F) the necessity to the facility of a waterfront location, where applicable;
  - (G) the compatibility of the proposed use with existing and anticipated development;
  - (H) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (I) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (J) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (K) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of Section 1127.06(a)(4) and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (6) The Community Development Director or his designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**(b) Conditions for variances.**

- (1) Variances may only be issued where due to physical characteristics of the property compliance with the requirements of this chapter creates an exceptional hardship. Increased cost or inconvenience of meeting the requirements of this chapter do not constitute an exceptional hardship.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items Section 1127.06(a)(4)(i-xi) have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.
- (5) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (6) Variances shall only be issued upon:
  - (A) a showing of good and sufficient cause;
  - (B) a determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - (C) a determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public as identified in Section 1127.06(a)(4), or conflict with existing local laws or ordinances; and,
  - (D) a determination that the structure or other development is protected by methods to minimize flood damages.
- (7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **CHAPTER 1128**

### **OHP Historic Preservation Overlay District**

**1128.01 Purpose.**

**1128.02 Map designations.**

**1128.01 PURPOSE.**

The purpose of this district is to identify on the Zoning Map those areas designated as Historic Districts pursuant to Chapter 1321.

**1128.02 MAP DESIGNATION.**

All Historic Districts established pursuant to Chapter 1321 shall be portrayed on the Zoning Map as an OHP Historic Preservation Overlay District, overlaid on the underlying zoning, in order to alert interested parties.

## **CHAPTER 1129**

### **OPD-H Planned Development Housing Overlay District**

**1129.01 Purpose.**

**1129.02 Intent.**

- 1129.03 Applicability.**
- 1129.04 General Requirements.**
- 1129.05 Requirements for areas less than two acres.**
- 1129.06 Preliminary OPD-H plan.**
- 1129.07 Preliminary OPD-H plan approval.**
- 1129.08 Report of City Planning Board.**
- 1129.09 Changes in an approved preliminary OPD-H plan.**
- 1129.10 Final OPD-H plan.**
- 1129.11 Final OPD-H plan of portion.**
- 1129.12 Final plan approval.**
- 1129.13 Changes in an approved final OPD-H plan.**
- 1129.14 Building permits.**

#### **1129.01 PURPOSE.**

The OPD-H Planned Development Housing Overlay District is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone will not be contrary to the intent and purpose of the Zoning Code, inconsistent with the Land Use Plan, nor harmful to the neighborhood.

#### **1129.02 INTENT.**

The intent of the OPD-H district regulations is to:

- (a) Provide flexibility in architectural design, placement and clustering of buildings, use of open space, provision of traffic circulation facilities and parking, and related site and design considerations;
- (b) Encourage the preservation and best use of existing landscape features through development sensitive to the natural features of the surrounding area;
- (c) Promote efficient land use with smaller networks of utilities and streets;
- (d) Encourage and preserve opportunities for energy efficient development;
- (e) Promote an attractive and safe living environment that is compatible with surrounding residential developments; and
- (f) Provide an alternate method for redeveloping older residential areas and to encourage infill development.

#### **1129.03 APPLICABILITY.**

Housing in planned developments shall be permitted in R districts as follows:

- (a) For development of land of two (2) acres or more.
- (b) For development of land less than two (2) acre where such development is more appropriate and more efficient than conventional development because of environmentally sensitive areas, existing natural features or scenic assets, the amount of land available for infill development, or because of the age of existing development in the vicinity. (See Section 1129.05 for standards relating to developments of less than two (2) acres).

#### **1129.04 GENERAL REQUIREMENTS.**

All planned developments shall meet the following criteria:

- (a) **Land uses.** Any residential use and combinations of land uses are permitted. Combinations of land uses may include single-family, multi-family, group care facilities and commercial uses. However, commercial uses shall not be permitted in planned developments on land less than two (2) acres in area. Golf courses are allowable commercial uses on residentially zoned property as part of an OPD-H.  
(Ord. 02-414. Passed 10-29-02.)
- (b) **Variations.** Variations in the requirements of the underlying district may be permitted. However, setbacks required by the Ohio Basic Building Code, legislated by the State of Ohio, or the Ohio Residential Code For One-, Two-, and Three-Family Dwellings, as specified in Chapter 1303 of Part 13 Building Code of the Codified Ordinances of Springfield, Ohio, whichever is applicable, shall be provided.
- (c) **Dwelling unit density.** The dwelling unit density, based upon the land area minus public and/or private street right-of-way area, if any, may be computed on the basis of that permitted for the least restrictive use allowed in the underlying district.
- (d) **Streets.** Planned developments shall make provision for the extension of streets, if any.
- (e) **Storm water management.** The planned development shall comply with the requirements for storm water management, including the provision of detention or retention basins. The developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs. Generally, such costs shall be shared by all owners of property located within the planned development, with unpaid costs becoming a lien against individual properties.
- (f) **Open space.** Except in a conventional subdivision, planned developments shall be provided with open space for recreational purposes and to enhance the general character of the area. In the event the open space land is to be retained under private ownership, the developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs as with storm water detention or retention basins in Subsection (e) above.
- (g) **Dedication of land for public use.** All proposed dedications of land for public use, including those to be dedicated for recreational use, shall be approved in writing by appropriate departments of the City before the approval of the plan by the City Commission. All land dedications for public use shall conform to the requirements of city ordinances.
- (h) **Ownership.** At the time of approval of a preliminary OPD-H plan, the developer must submit evidence of ownership of the property to be developed or show evidence of a legally binding executed option agreement for purchasing all the property.
- (i) **Schedule of completion.** A developer or sponsor of a planned development shall submit a signed statement generally describing

the proposed development and setting forth an intended time schedule for the completion of various phases.

- (j) **Other requirements.** Other conditions may be imposed as deemed necessary to fulfill the purpose and intent of this chapter. Such conditions may include but are not limited to planting screens, fencing, construction commencement and completion dates, lighting, operational controls, improved traffic circulation, highway access restrictions, yards, and parking requirements.

#### **1129.05 REQUIREMENTS FOR AREAS LESS THAN TWO (2) ACRES.**

An OPD-H plan for an area containing less than two (2) acres shall in addition to or in lieu of the requirements of Section 1129.04 above, meet the following requirements:

- (a) The density and design of the OPD-H shall be compatible in use, size and type of structure, relative amount of open space, traffic circulation and general layout with adjoining land uses, and shall be integrated into the neighborhood.
- (b) Multi-family structures located adjacent to existing single-family dwellings shall be sited, landscaped and screened by natural features and plant materials to harmoniously integrate the planned development with the surrounding neighborhood.
- (c) The development shall not overburden existing streets and utilities.
- (d) The development shall not adversely affect views, light and air, property values and privacy of neighboring properties any more than would a conventional development.
- (e) Commercial uses shall be prohibited.

#### **1129.06 PRELIMINARY OPD-H PLAN.**

The owner of land who wishes to develop his property according to the provisions of this chapter, shall submit to the City Clerk six (6) copies of a preliminary OPD-H plan and application for preliminary approval. The preliminary OPD-H plan for the use and development of the area of land shall list all requested variations from requirements of the underlying district in which the tract of land is located. The preliminary OPD-H plan may show a range of dimensions and need not have the specificity of the final plan. The application shall be accompanied by the following:

- (a) A location map affixed to the plan.
- (b) A preliminary OPD-H plan of the proposed development drawn to an appropriate scale, showing:
  - (1) Existing and proposed topographic contours at two (2) foot intervals or less.
  - (2) Location of the uses and topography at two (2) foot contours within 100 feet of the proposed development.
  - (3) Location of existing and proposed streets, including points of connection.
  - (4) Location of existing and proposed utilities, including points of connection.
  - (5) Location of storm water management facilities.
  - (6) Proposed uses of the land.
  - (7) Number of dwelling units proposed for the planned development.
  - (8) Proposed general arrangement of the buildings.
- (9) Location and area of proposed open spaces either to be held in common or publicly, and whether to be used for active recreational purposes or only as an environmental amenity.
- (10) Sketches to show the general design of building, types and the character of the development.
- (11) Legal description of the tract of land for the planned development.
- (12) Parking provisions.
- (13) Loading facilities, if any.
- (14) Proposed landscaping.
- (15) Storm drainage.
- (16) Such other information as is necessary to ascertain compliance with the requirements of this chapter.

#### **1129.07 PRELIMINARY OPD-H PLAN APPROVAL.**

Approval of a preliminary OPD-H plan shall be by ordinance according to the procedures set forth in Chapter 1174, Amendments. Approval of the zoning of the land to an OPD-H district shall constitute approval of the preliminary plan. A preliminary OPD-H plan shall be valid for no more than 24 months, unless specifically provided otherwise in the OPD-H ordinance. If no building permit has been issued for the development within the 24 month period, the area of land to which the OPD-H ordinance applies shall be considered for possible rezoning by the City to remove the OPD-H designation.

#### **1129.08 REPORT OF CITY PLANNING BOARD.**

Upon completion of review of the preliminary OPD-H plan of the planned development, the Planning Board shall recommend either approval or denial of the plan and shall make a written report of its findings to the City Commission to substantiate its recommendation. The findings shall address the following: that the variations in setbacks, lot area requirements, building heights, building types, sizes of buildings, the combination of land uses, and traffic flow will be in the public interest, in harmony with the purposes of this code and other building regulations of the City and will not adversely affect nearby properties.

(Ord. 03-288. Passed 8-19-03.)

#### **1129.09 CHANGES IN AN APPROVED PRELIMINARY OPD-H PLAN.**

Material changes in an approved preliminary OPD-H plan shall be subject to the same procedures for approval as for the original approved plan. A material change is any change in the principal use or character of the development from the use or uses shown on the preliminary OPD-H plan and any dimensional change beyond the ranges specified on the preliminary plan. Any other changes are considered minor changes and may be approved by the Planning and Development Director.

### **1129.10 FINAL OPD-H PLAN.**

All R-4 and OPD-H plans currently in force at the time this ordinance is adopted shall be considered final OPD-H plans, and continue in full force and effect. Applications for approval of new final OPD-H plan shall meet all the requirements of the preliminary OPD-H plan and include the following:

- (a) Detailed plans and specifications of the planned development.
- (b) Building elevations and floor plans for all structures.
- (c) Details of materials to be used for exterior construction.
- (d) A landscape plan including screening and buffering, if necessary, between the proposed and existing development.

### **1129.11 FINAL OPD-H PLAN OF PORTION.**

After preliminary approval of the entire planned development is given, a final plan of a portion within the planned development may be approved if:

- (a) The portion is more than two (2) acres in size.
- (b) The plan of the portion meets all requirements of a final plan.
- (c) The dwelling unit density within the portion does not exceed the dwelling unit density allowable for the least restrictive use for that area under existing zoning.
- (d) The portion can function as an independent development unit with adequate access, services, utilities, open space, etc.
- (e) The developer subdivides and improves all public rights-of-way necessary to support the portion.
- (f) The remaining portion is not left as an undevelopable remnant.

### **1129.12 FINAL PLAN APPROVAL.**

Final approval of any OPD-H plan shall be by administrative review. Approval shall be based on compliance with an approved preliminary OPD-H plan and any modifications required by the Planning Board having jurisdiction and City Commission at the time the land was zoned to OPD-H. After approval of the final plan, permits may be issued to carry out the approved plan.

(Ord. 03-288. Passed 8-19-03.)

### **1129.13 CHANGES IN AN APPROVED FINAL OPD-H PLAN.**

Material changes in an approved final OPD-H plan shall be subject to the same procedures for approval as for the original approved plan. A material change is any change in the principal use or character of the development from the principal use or uses shown on the final OPD-H plan and any dimensional change specified on the final plan. Any other changes are considered minor changes and may be approved by the Planning and Development Director.

### **1129.14 BUILDING PERMITS.**

The final plan, or parts of the final plan as finally approved, shall be filed in the Building Official's office and building permits may be issued only for structures conforming to the OPD-H plan. In the event commercial uses are approved as a part of a planned development, no building permit for a commercial use shall be issued until Certificates of Occupancy for a minimum of 25 percent of the housing units planned for the area (or approved portion) have been issued or unless 25 percent of the housing units planned for the area (or approved portion) will be constructed simultaneously. (Separate building permits shall be obtained by the developer for the construction of housing and commercial uses where separate buildings are to be used.)

## **CHAPTER 1130**

### **CC-2A Shopping Center District**

#### **1130.01 Purpose.**

#### **1130.02 Principal uses permitted.**

#### **1130.03 Provisional uses permitted.**

#### **1130.04 Conditional uses permitted.**

#### **1130.05 Accessory uses permitted.**

#### **1130.06 General provisions.**

#### **1130.07 Special provisions.**

#### **1130.08 Signs and outdoor advertising.**

#### **1130.09 Prohibited uses.**

#### **1130.01 PURPOSE.**

The purpose of this district is to provide locations for planned shopping centers. Access should have the same conditions as the CC-2 District.

#### **1130.02 PRINCIPAL USES PERMITTED.**

Same as in CC-2 District, except as hereinafter modified.

#### **1130.03 PROVISIONAL USES PERMITTED.**

None.

#### **1130.04 CONDITIONAL USES PERMITTED.**

Same as in CC-2 District, except as hereinafter modified.

#### **1130.05 ACCESSORY USES PERMITTED.**

Same as in CC-2 District, except as hereinafter modified.

#### **1130.06 GENERAL PROVISIONS.**

All principal and accessory uses and structures permitted within this district shall be subject to the requirements of Title Four and Title Five and to the supplemental requirements of Title Six, where applicable.

#### **1130.07 SPECIAL PROVISIONS.**

- (a) Development of a lot or separate tract larger than two (2) acres shall be subject to the special provisions of Subsection 1108.07(b). All CC-2A tracts shall consist of not less than two (2) acres, or else be continuous to a tract presently zoned CC-2A.
- (b) The owner shall submit to the Planning Board having jurisdiction for its review a preliminary plan for the use and development of such tract of land. The Planning Board shall investigate and ascertain whether the location, size, access, and other general characteristics of the proposed plan comply with the following conditions:
- (1) The plan shall provide for the development of an integrated shopping area with adequate and properly arranged vehicular access points and parking facilities which will be safe to use and will have no adverse effects upon the adjoining or surrounding development.
  - (2) When the development plan is found to comply with the requirements set forth in this section and other applicable provisions of this Zoning Code, the Planning Board shall submit such plan with its report and recommendation together with the required application by the proponents for the necessary change in the zoning classification of the site of the proposed shopping area to the City Commission which shall hold a public hearing on both the development plan and application for a change in zoning.
  - (3) The City Commission shall take into consideration the recommendation from the Planning Board on both the rezoning and the development plan in making its decision in establishing the CC-2A zone. If such rezoning is approved, the ordinance shall include the development plan and any amendments thereto.
  - (4) After the development plan has been approved by the City Commission and in the course of carrying out this plan, adjustments or re-arrangements of vehicular access buildings and building additions may be requested by the proponents, such adjustments or re-arrangements shall be authorized by motion of the City Commission after being recommended by the City Planning Board.
- (c) No building or structure shall be located less than fifty (50) feet from any lot in any R District, nor less than ten (10) feet from any district other than a CC-2A District. Except as otherwise provided in this Zoning Code, no building or structure shall be located less than twenty (20) feet from any street right-of-way. The shopping area shall be permanently screened, except for necessary sight clearances at entrances and exits, from all adjoining properties located in any R District by a solid wall or compact evergreen hedge not less than four (4) feet or over seven (7) feet in height. The shopping area shall also be permanently screened from all properties in any R District located across the street and within ninety (90) feet from any such shopping area by a solid wall or compact evergreen hedge not less than three (3) feet in height. The walls or hedges shall be properly and permanently landscaped and maintained. Additional requirements may be imposed to reduce or eliminate the effect that the shopping area may have on adjoining properties.
- (d) All ground area occupied by all the buildings shall not exceed twenty-five percent (25%) of the total area of the lot or tract.
- (e) For a building or a group of buildings constituting a shopping center, one parking space shall be provided for each 222.2 square feet of gross floor area. For a business located in a separate building from the shopping center and on a tract of land under two (2) acres in area and under separate ownership, the number of parking spaces required for the business shall be in accordance with the parking requirements of Section 1153.02.
- (f) Notwithstanding any other requirements of this Zoning Code, for a building or a group of buildings constituting a shopping center of at least 10,000 square feet, there shall be provided one (1) off-street loading or unloading space for each 20,000 square feet or fraction thereof of aggregate floor space. At least one-third (1/3) of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.

(Ord. 03-288. Passed 8-19-03.)

#### **1130.08 SIGNS AND OUTDOOR ADVERTISING.**

The sign provisions of Section 1155.05 (g) shall apply.

#### **1130.09 PROHIBITED USES.**

The following uses shall be not be permitted in a CC-2A District:

- (a) Billboards.

(Ord. 11-242. Passed 9-13-11.)

## CHAPTER 1131

### UCOD Urban Commercial Overlay District

#### **1131.01 Purpose.**

#### **1131.02 Intent.**

#### **1131.03 General requirements.**

##### **1131.01 PURPOSE.**

The UCOD Urban Commercial Overlay District is established to protect, re-establish, and retain the unique aesthetic and architectural character, including retail display windows, side and rear parking, minimal setbacks, and pedestrian-oriented site design, prevalent in central city commercial areas.

##### **1131.02 INTENT.**

The intent of the UCOD Urban Commercial Overlay District is to:

- (a) Promote an attractive and safe commercial and living environment that is compatible with existing historic structures;
- (b) Encourage pedestrian-oriented site design;
- (c) Encourage investment in compatible designed development, including retail display windows, side and rear parking, minimal setbacks, and other features of traditional urban design.

##### **1131.03 GENERAL REQUIREMENTS.**

All UCOD Urban Commercial Overlay District new construction shall meet the following criteria:

- (a) **Maximum Setback.** The distance between the principal building or structure and the public street right-of-way line shall not exceed ten (10) feet. Buildings on street corners shall comply with this maximum setback for both frontages.
- (b) **Building Standards.**
  - (1) Building facades facing public streets shall incorporate a main entrance door on the primary street.
  - (2) For commercially-used property, at least sixty (60) percent of each building façade facing public streets, between the height of two (2) feet and nine (9) feet above the sidewalk grade, shall be window glass.
  - (3) Building façades shall be a minimum of two (2) stories [twenty (20) feet] in height. If the building does not actually have at least two (2) stories, then it shall have appropriate architectural detail to appear to have a second story.
  - (4) Structures more than fifty (50) feet wide shall incorporate vertical elements into their façade design.

## CHAPTER 1132

### UCED Urban Commercial Entryway Overlay District

#### **1132.01 Purpose.**

#### **1132.02 Intent.**

#### **1132.03 All UCED Urban Commercial Entryway Overlay District.**

##### **1132.01 PURPOSE.**

The UCED Urban Commercial Entryway Overlay District is established to unify the appearance of new commercial signs and structures in entryways along designated state routes, recalling through materials the historic context of the city.  
(Ord. 04-131. Passed 4-20-04.)

##### **1132.02 INTENT.**

The intent of the UCED Urban Commercial Entryway Overlay District is to:

- (a) Promote an attractive commercial environment that is compatible with existing historic structures.
  - (b) Make signage more uniform in size and type throughout the entryway corridor.
- (Ord. 04-131. Passed 4-20-04.)

##### **1132.03 ALL UCED URBAN COMMERCIAL ENTRYWAY OVERLAY DISTRICT.**

New commercial construction shall meet the following criteria:

- (a) **Signage.** Regardless of the sign size provisions applying in the underlying zone, a free-standing sign shall be permitted with the following allowance:

Maximum area: 99 square feet per sign face (may be double-faced).

Maximum Height: 26 feet above the height of the nearest street grade.

- (b) **Building Standards.**

- (1) Commercial building facades facing public streets shall be constructed of brick.
  - (2) No loading docks or trash storage bins shall be visible from the entryway state route.

(Ord. 04-131. Passed 4-20-04.)

## **CHAPTER 1133**

### **DMC Downtown Medical Campus District**

#### **1133.01 Purpose.**

#### **1133.02 Intent.**

#### **1133.03 Applicability.**

#### **1133.04 Principal uses permitted.**

#### **1133.05 Accessory uses permitted.**

#### **1133.06 General provisions.**

#### **1133.07 Special provisions.**

#### **1133.01 PURPOSE.**

The DMC Downtown Medical Campus District is intended to provide for the development of hospital and specialized medical services in a central location for residents of the City and surrounding communities. Hospitals, health care, medical offices, and related uses for convenience to hospital activities are appropriate in the DMC Zone.

(Ord. 06-91. Passed 3-14-06.)

#### **1133.02 INTENT.**

The intent of the DMC District is to encourage and foster the planning, design and construction of a well-functioning, attractive medical campus environment that: (a) provides an appropriate setting for both initial and long term capacity for delivering high quality healthcare services to the City, community and the region; (b) provides flexibility in architectural design, placement and clustering of buildings, use of open space, provision for traffic circulation facilities and parking, and related site and design considerations; (c) enhances the downtown area and is an anchor for continued investment in redevelopment and renewal of the downtown area and its adjacent neighborhoods; and (d) ensures sufficient flexibility and future capacity in the design and placement of campus facilities to best meet the future evolution of healthcare and ancillary services to the City, community and the region.

(Ord. 06-91. Passed 3-14-06.)

#### **1133.03 APPLICABILITY.**

The DMC District shall have a minimum size of 40 acres except in those situations where the City Planning Board determines that a lesser minimum size is appropriate taking into consideration the purpose and intent as described in Sections 1133.01 and 1133.02.

(Ord. 06-91. Passed 3-14-06.)

#### **1133.04 PRINCIPAL USES PERMITTED.**

The following principal uses are permitted in a DMC District:

- (a) Assisted Living Facility.
- (b) Daycare Facility (Child and Adult).
- (c) Educational Facility, including, but not necessarily limited to:
  - (1) Classrooms;
  - (2) Dormitories;
  - (3) Laboratories;
  - (4) Medical library;
- (d) Financial institution or branch banking facility internal to main building. Indoor or stand-alone outdoor ATM or similar automated banking facility;
- (e) Helipad or helistop in conjunction with hospital;
- (f) Hospital;
- (g) Ambulatory Surgery Center;
- (h) Mental Health Facility;
- (i) Skilled Nursing Facility;
- (j) Outpatient Services;
- (k) Imaging Center;
- (l) Long Term Care Facility;
- (m) Medical Office Building;
- (n) Clinic;
- (o) Dialysis Center;
- (p) Dental Facility;
- (q) Urgent Care Facility;
- (r) Hospice;
- (s) Hyperbaric Tre Center;
- (t) Laboratories;
- (u) Home Care Office Space;
- (v) Pharmacy;
- (w) Health Center;
- (x) Reproductive Health Services Center;
- (y) Diagnostic Services;
- (z) Alternative Medicine Center;

- (aa) Medical, optical, dental and prosthetic supply store;
- (bb) Medical or Administrative Office and/or Building;
- (cc) Religious institution;
- (dd) Medical Research Facility including, but not necessarily limited to, animal research to support Hospital services;
- (ee) Wellness/Rehabilitation Centers;
- (ff) Parking Facility or Public Transportation Facility;
- (gg) Bookstore having its public access to the main entrance or to a central corridor of the hospital or other principal use facility;
- (hh) Flower shop having its public access to the main entrance or to a central corridor of the hospital or other principal use facility;
- (ii) Food service having its public access to the main entrance or to a central corridor of the hospital or other principal use facility;
- (jj) Gift shop having its public access to the main entrance or to a central corridor of the hospital or other principal use facility;
- (kk) Laundry and Dry Cleaning having its public access to the main entrance or to a central corridor of the hospital or other principal use facility;
- (ll) Conference Center for hospital related/education purposes;
- (mm) Patient and patient family overnight accommodations;
- (nn) The foregoing list of permitted uses is not intended to be exhaustive of all uses permitted within the DMC Downtown Medical Campus District and any other use supportive, complimentary or compatible with a medical campus area is permitted.

(Ord. 06-91. Passed 3-14-06.)

#### **1133.05 ACCESSORY USES PERMITTED.**

- (a) Central Utility Plant;
- (b) Emergency and patient drop-off areas;
- (c) Garage for:
  - (1) Ambulances;
  - (2) Grounds equipment;
  - (3) Maintenance of principal and/or accessory use;
- (d) Medical Support Materials Warehouse;
- (e) Public Transportation Area;
- (f) Receiving Docks;
- (g) Skywalks over private property;
- (h) Skywalks over public streets when approved by the Department of Community Development;
- (i) Storage facilities (records, films, linens, equipment, supplies).
- (j) Information technology and communications systems.

(Ord. 06-91. Passed 3-14-06.)

#### **1133.06 GENERAL PROVISIONS.**

Except as otherwise provided in Section 1133.07, all principal and accessory uses and structures permitted within this district shall be subject to Title IV and Title V and to the supplemental requirements of Title VI, where applicable.

(Ord. 06-91. Passed 3-14-06.)

#### **1133.07 SPECIAL PROVISIONS.**

None.

(Ord. 06-91. Passed 3-14-06.)

### **CHAPTER 1135**

#### **Requirements for Specific Uses**

- 1135.01** **Uses and requirements.**
- 1135.02** **Accessory apartment.**
- 1135.03** **Cemetery and mausoleum.**
- 1135.04** **Clubs.**
- 1135.05** **Repealed by Ord. 06-425, passed 12-5-06.**
- 1135.06** **Repealed by Ord. 06-425.**
- 1135.07** **Repealed by Ord. 06-425.**
- 1135.08** **Repealed by Ord. 06-425, passed 12-5-06.**
- 1135.09** **Repealed by Ord. 06-425, passed 12-5-06.**
- 1135.10** **Repealed by Ord. 06-425, passed 12-5-06.**
- 1135.11** **Repealed by Ord. 06-425.**
- 1135.12** **Repealed by Ord. 06-425.**
- 1135.13** **Repealed by Ord. 06-425.**
- 1135.14** **Repealed by Ord. 06-425, passed 12-5-06.**
- 1135.15** **Separability.**
- 1135.16** **Dwellings, zero lot line or attached.**
- 1135.17** **Extraction.**
- 1135.18** **Funeral homes.**

- 1135.19 Home occupation.**
- 1135.20 Kennel, veterinarian clinic, and animal hospital.**
- 1135.21 Nursing home.**
- 1135.22 Public utility or public use.**
- 1135.23 Religious institution.**
- 1135.24 Salvage yard.**
- 1135.25 Satellite receiving device.**
- 1135.26 Animals.**
- 1135.27 Cargo containers.**

#### **1135.01 USES AND REQUIREMENTS.**

The following uses are listed as provisional uses, accessory uses or special exceptions in various districts in this code. These uses are required to meet the requirements of this chapter in addition to the requirements of the districts in which the uses are allowed. If there is a conflict between the requirements of this chapter and the requirements of the districts in which the uses are allowed, the most restrictive requirements shall govern.

#### **1135.02 ACCESSORY APARTMENT.**

An accessory apartment within an owner-occupied, single family dwelling shall be subject to the following specific requirements:

- (a) The accessory apartment shall consist of a separate dwelling unit from the single-family dwelling.
- (b) Not more than one accessory apartment may be established within a single-family dwelling.
- (c) The owner of the dwelling within which an accessory apartment is located must occupy at least one of the dwelling units as the owner's permanent residence.
- (d) The accessory apartment and the principal dwelling shall be under the same ownership.
- (e) The dwelling within which the accessory apartment is contained shall have the appearance of a single-family dwelling. An entrance for the accessory apartment shall not face a street, unless the entrance existed as a utility entrance to the original dwelling prior to the establishment of the accessory apartment.
- (f) No addition to the single-family dwelling for an accessory apartment shall increase the original floor area of the dwelling by more than 10 percent.
- (g) One off-street parking space shall be provided for the accessory apartment. This space shall be in addition to the existing required off-street parking spaces for the single-family dwelling.
- (h) The accessory apartment shall not contain more than 30 percent of the dwelling's total floor area, be larger than 800 square feet, nor have more than two (2) bedrooms. However, the minimum floor area shall conform to the requirements of the *OBOA One, Two & Three Family Dwelling Code*, as specified in Chapter 1303 of Part 13--Building Code of the *Codified Ordinances of Springfield*.
- (i) The right to have an accessory apartment shall cease upon transfer of title to the property, and the right to maintain an accessory apartment in no way authorizes establishment of the dwelling as a duplex.
- (j) A notarized affidavit from the owner verifying that he is the legal resident of one of the dwelling units on the premises and that one of the occupants in the other dwelling unit is elderly or handicapped shall be submitted to the City prior to issuance of an accessory apartment zoning certificate. Furthermore, the owner shall, as a requirement of continuance of the accessory apartment, submit a notarized affidavit by January 31 each year, certifying compliance with this requirement.
- (k) The effective period of the permit shall be for three (3) years. At the end of every three (3) year period, renewal of the accessory apartment zoning certificate shall be granted only after completion of a routine housing inspection verifying that the property remains the principal residence of the owner and that all of the conditions of this code have been met.

#### **1135.03 CEMETERY AND MAUSOLEUM.**

A cemetery and mausoleum shall be subject to the following specific requirements:

- (a) Any new cemetery shall be located on a site containing not less than 20 acres or five (5) acres for a pet cemetery.
- (b) All interments and structures including but not limited to a mausoleum, permanent monuments or maintenance buildings shall be set back not less than 35 feet from all property lines.
- (c) All access shall be provided from a primary or secondary arterial street identified on the Land Use Plan.
- (d) The cemetery shall be screened from view of any abutting residential district by meeting the requirements of Subsection 1161.02(h).
- (e) Approval shall be contingent upon a satisfactory drainage plan approved by the City Engineer.
- (f) Cemeteries and mausoleums allowed only as a conditional use shall have adequate off-street stacking spaces provided for funeral processions.
- (g) No burial plots shall be permitted in a flood plain.

#### **1135.04 CLUBS.**

A club shall be subject to the following specific requirements:

- (a) Information that specifies whether it is nonprofit or for profit, its purpose and activities, number of members, and its officers shall be submitted and included with the zoning certificate for the club.
- (b) Use of the facilities shall be limited to the members and their guests.
- (d) A listing of anticipated peak times and activities and anticipated expansion of the facilities shall be submitted.
- (e) All structures and facilities shall comply with the following dimensional requirements:
  - (1) Minimum lot area: 30,000 square feet
  - (2) Minimum yards:
    - A. Front yard--100 feet

- B. Side yard--30 feet
- C. Rear yard--50 feet
- (f) Clubs requiring more than 20 parking spaces shall be located on and have its only access to a street with a minimum pavement width of 40 feet.
- (g) Parking facilities shall not be located closer than 20 feet from a side or rear lot line where abutting an R district and shall be screened from view of the abutting R district by meeting the requirements of Subsection 1161.02(h).
- (h) The following requirements shall be applicable to specific uses in association with a club.
  - (1) **Driving range.** In R districts, outdoor lighting shall not be installed for its use during nighttime hours.
  - (2) **Swimming pools.**
    - A. An outdoor pool shall be enclosed by a six (6) foot high fence or wall to prevent uncontrolled access.
    - B. A pool shall be subject to the yard requirements of this section.
    - C. A pool located within an R district or within 100 feet of a lot in an R district shall be screened from view according to the requirements of Subsection 1161.02(h).

**1135.05 THROUGH 1135.14 REPEALED BY ORDINANCE NO. 06-425, PASSED 12-5-06.**

**1135.15 SEPARABILITY.**

Should any section, clause, paragraph, sentence, item, phrase, or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**1135.16 DWELLINGS, ZERO LOT LINE OR ATTACHED.**

A zero lot line dwelling or townhouse shall be subject to the following specific requirements:

- (a) Where an abutting lot has been developed with a principal building having a setback of more than zero (0) feet but less than 10 feet from the side lot line in common, the zero lot line dwelling shall be located so there is a minimum of 10 feet to the adjacent principal building. An easement from the abutting lot owner shall be secured prior to the issuance of a building permit to ensure that a zero (0) or ten 10 foot separation is retained.
- (b) No portion of a wall, roof, or appurtenance along the zero side yard shall project over the lot line. Openings in the wall shall be prohibited.
- (c) Legal provision shall be made for permanent access for the maintenance of the exterior portion of the proposed building wall located upon the lot line and for other common elements such as driveways. A permanent 10 foot maintenance easement to provide such access shall be secured prior to issuance of a building permit.
- (d) Each end unit of a townhouse shall have one (1) side yard of a minimum of ten 10 feet.
- (e) Each dwelling unit shall be provided with a separate building access and with separate utility service from the street.

**1135.17 EXTRACTION.**

Extraction shall be subject to the following specific requirements:

- (a) A license to operate shall be obtained from the Department of Natural Resources (DNR). Failure to maintain said license shall constitute abandonment.
- (b) An application for such operation shall set forth the following information (compare to DNR requirements):
  - (1) Name of the owner or owners of land from which removal is to be made.
  - (2) Name of the applicant making request for such a permit.
  - (3) Name of the person or corporation conducting the actual removal operation.
  - (4) Location, description and size of the area from which the removal is to be made.
  - (5) Type of resources or materials to be removed.
  - (6) Proposed method of removal and whether or not blasting or other use of explosives will be required.
  - (7) Description of equipment to be used.
  - (8) Anticipated ending date for extraction and the method of rehabilitation and reclamation of the area.
  - (9) The means that will be used to prevent the deposition of mud and debris from trucks on public streets and highways.
  - (10) The means of controlling fugitive dust from the extraction.
  - (11) Certification that all state and federal regulations can and will be met.
- (f) Extraction shall not occur within 1,000 feet of an R District.
- (g) Extraction shall not occur within 100 feet of abutting property or a street.
- (h) The applicant shall demonstrate that such operations will not be detrimental to the vicinity or surrounding properties.
- (i) The banks of an extraction site less than five (5) feet deep, shall be sloped at a grade of not less than three (3) feet horizontal to one (1) foot vertical, and such banks shall be surfaced with at least six (6) inches of suitable soil and seeded with a vegetative cover to prevent erosion.
- (j) Whenever the floor of an extraction site is more than five (5) feet below the grade of the site's perimeter or the site contains more than three (3) feet of water, the site shall be completely enclosed by a barrier consisting of a fence on not less than a six (6) foot high mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from entering the site. Such mound shall be located at least 25 feet from any street, road, highway or boundary of the quarry property.
- (k) All quarrying, blasting, drilling or mining shall be carried out in a manner and on such scale as to minimize dust, noise and vibrations and to prevent adversely affecting the surrounding properties. A blasting permit shall be obtained from the Springfield Fire Division for all blasting that is done.

### **1135.18 FUNERAL HOMES.**

Funeral homes shall be subject to the following specific requirements:

- (a) Funeral homes shall be located with access to a secondary or primary arterial street as identified on the Land Use Plan Map.
- (b) Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to the required off-street parking area.
- (c) The site shall have a minimum frontage of 120 feet and a minimum lot area of 40,000 square feet.
- (d) Loading and unloading areas used by ambulances, hearses or other such service vehicles and located within an R district or within 100 feet of a lot in an R district shall be [obscured] screened from view according to the requirements of Subsection 1161.02(h).

### **1135.19 HOME OCCUPATION.**

A home occupation shall be subject to the following specific requirements:

- (a) The home occupation shall be operated solely within the dwelling unit or an accessory building to the dwelling unit. One person not a resident of the premises may be employed to assist in the home occupation. However, nothing in these provisions shall prevent persons who do not reside on the premises from assisting in those aspects of a home occupation that are off-premises.
- (b) Those home occupations that occupy more than 10 percent of the floor area of a dwelling unit shall be subject to the provisions of the Ohio Basic Building Code. Floor area shall be construed as that area of a dwelling unit bounded by the exterior walls or fire walls of the dwelling unit (refer to the *Ohio Basic Building Code*, as regulated in Chapter 1303 of Part 13--Building Code of the *Codified Ordinances of Springfield*).
- (c) There shall be no external alteration of the residential appearance of a dwelling. However, an entrance which provides direct access to the home occupation may be constructed in a wall of the dwelling that does not face a street.
- (d) There shall be no direct selling or leasing of stocks of merchandise, supplies or products on premises. A person may pick up an order made by prior arrangements.
- (e) There shall be no disturbance such as noise, vibration, electrical interference, smoke, dust, odor, heat or glare beyond the lot lines or beyond the confines of the dwelling unit if the unit is part of a two-family or multi-family dwelling.
- (f) There shall be no exterior display; exterior storage of merchandise, inventory, equipment, or materials; window display, including a sign visible from outside the dwelling; sign (except as otherwise provided in Subsection 1155.06(b)(2)(A); house calls after 10:00 p.m. or before 7:00 a.m.; nor other indication from the exterior that a dwelling or accessory building is being used in part for any use other than that of a dwelling or accessory building for purely residential purposes.
- (g) There shall be no toxic; explosive; flammable; combustible; corrosive; etiologic; or radioactive materials, used or stored on the premises, except that which is generally used for domestic purposes.
- (h) At the dwelling of the home occupation, the use; parking or storage of such equipment and vehicles as tractors; semi-truck tractors or trailers; heavy equipment such as construction equipment; and commercially licensed vehicles with six (6) wheels or more shall be prohibited. Commercially licensed vehicles with fewer than six (6) wheels shall be parked in adequate sized off-street parking spaces which meet the requirements of this code. However, not more than one-third (1/3) of the (required) front yard shall be used for parking or be surfaced with impervious material.
- (i) The required number of off-street parking spaces for the dwelling unit to which the home occupation is accessory, shall be provided. The home occupation shall not reduce nor render unusable, areas provided for required off-street parking.
- (j) No more than two (2) persons may avail themselves of the services provided by a home occupation at any one time. However, classes for generalized or specialized private instruction for more than two (2) but not more than 10 individuals may be permitted if authorized as a conditional use by the Board of zoning appeals in accordance with the procedures of section 1172.05.
- (k) The following uses and activities shall be prohibited:
  - (1) Ambulance service.
  - (2) Animal service, including a veterinarian establishment; animal grooming business; kennel; or establishment for the boarding of animals.
  - (3) Appliance repair shop for large appliances such as but not limited to clothes washers and dryers; cooking ranges; refrigerators and freezers; and dishwashers.
  - (4) Barber shop.
  - (5) Beauty parlor, including a manicurist and cosmetologist.
  - (6) Limousine service involving more than two (2) limousines.
  - (7) Machine shop.
  - (8) Office of a person in a healing profession
  - (9) Painting of vehicles, trailers, or boats.
  - (10) Tattoo parlor.
  - (11) Vehicle and motorized equipment repair, including parts sales or detailing; vehicle washing; and large and small engine repair.
  - (12) Welding shop.
- (l) A Certificate of Zoning Approval shall be obtained from the Director of Community Development or his authorized representative prior to establishing a home occupation. Home occupations shall, on occasion, be subject to inspection to determine compliance with these provisions.

### **1135.20 KENNEL, VETERINARIAN CLINIC, AND ANIMAL HOSPITAL.**

A kennel, veterinarian clinic, or animal hospital shall be subject to the following specific requirements:

- (a) Dimensional requirements:
  - (1) Minimum lot area: 20,000 square foot
  - (2) Minimum yards:
    - Front--50 feet

Side--40 feet  
Rear--50 feet

- (b) All structures shall be located a minimum of 200 feet from an R district.
- (c) Except in an AG district, there shall be no outdoor animal pen or dog run.
- (d) Services shall be administered within a fully enclosed building.

### **1135.21 NURSING HOME.**

A nursing home shall be subject to the following specific requirements:

- (a) A nursing home shall access an arterial street as identified on the Land Use Plan Map or on a street pavement wider than 30 feet.
- (b) Dimensional requirements.
  - (1) Minimum lot area: 600 square feet of lot area per each bed.
  - (2) Minimum yards:
    - Front yard--40 feet
    - Side yard--30 feet
    - Rear yard--25 feet
  - (3) The maximum permitted building coverage shall be 40 percent.

### **1135.22 PUBLIC UTILITY OR PUBLIC USE.**

Public utilities shall be subject to the following conditions and standards:

- (a) Site standards for essential services and utility uses:
  - (1) Utility substations shall be located at least 100 feet from an R district boundary.
  - (2) The site shall access an arterial street as identified on the Land Use Plan Map or on a street pavement wider than 30 feet.
  - (3) All proposed uses and facilities located within 100 feet of an R district boundary shall be contained within buildings or structures.
  - (4) A landscaped berm at least five (5) feet in height shall be required in all yards abutting an R district or street.
- (b) Location of utility lines:
  - (1) Such use shall not affect the general plan.
  - (2) Such use shall not endanger the health and safety of residents or workers in the area.
  - (3) The location of the use shall provide for minimal visual impact and shall not impair the use of surrounding properties.
  - (4) The use of utility corridors shall be encouraged, using existing utility line or transportation right-of-way for various transmission uses.
  - (5) The alignment shall follow the topography to minimize any effects to the terrain.
  - (6) There shall be minimal vegetative clearance for soil erosion control.
- (c) Installation of underground utilities:
  - (1) All new extensions of electrical and communications distribution and service facilities, equipment and lines carrying less than 34,500 volts, hereafter constructed or installed shall be placed underground, unless special permission to construct said facilities above ground is granted, as hereinafter provided.
  - (2) All relocations of existing overhead electrical and communications distribution and service poles supporting lines carrying less than 34,500 volts, required to be relocated by reason of change of grade or alignment, or the widening of the street within which such overhead facilities exist, shall, upon relocation, be placed underground, unless special permission to reconstruct said facilities above ground is granted, as hereinafter provided. This provision shall apply only as to those streets within an area of the city declared by the City Commission to be an underground utility district.
  - (3) Overhead electrical and communications distribution and service poles supporting lines carrying less than 34,500 volts shall not be installed to support overhead facilities, where such installation would duplicate an existing pole line within an entire city block.
  - (4) Electric and communication service wires or cables to any new building or structure shall be placed underground.
  - (5) Exceptions:
    - A. Poles used exclusively for street lighting.
    - B. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extended from one location on the building to another location on the same building or to an adjacent building on the same lot or parcel without crossing any street.
    - C. Equipment appurtenant to underground facilities, such as surfaced-mounted transformers, pedestal-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts.
    - D. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street lighting facilities may be placed above ground within the street or other public place as appropriate.
    - E. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or above ground facilities.
    - F. Overhead electric transmission and distribution feeder lines and overhead communication long distance, trunk and feeder lines, existing or new.

### **1135.23 RELIGIOUS INSTITUTION AND COMMUNITY CENTER.**

A religious institution shall be subject to the following specific requirements:

- (a) A religious institution or community center shall be located with access to an arterial street as identified on the Land Use Plan map or on a street pavement wider than 30 feet.
- (b) The following dimensional requirements shall be applicable only to the construction of a new building:
  - (1) Minimum lot area: 40,000 square feet.

- (2) Minimum yards: Two and one-quarter (2.25) feet of horizontal distance shall be provided for each one (1) foot of building height measured between the nearest point of any lot line and the nearest point from which the height is measured.  
(Ord. 09-94. Passed 4-14-09.)

#### **1135.24 SALVAGE YARD.**

A salvage yard shall be subject to the following specific requirements:

- (a) No operation shall be permitted closer than 1,000 feet to any R district.
- (b) All outdoor storage shall be conducted entirely within an enclosed fence, wall or other solid screen. Solid gates shall be provided at driveway areas. Such enclosures shall be constructed on or inside the front, side and rear lot lines and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited. Junk or salvage materials shall not form part of the fence, be piled higher than the height of the fence, nor be placed against the fence.
- (c) For fire protection, an unobstructed firebreak eight (8) feet in width shall be maintained around the entire salvage yard.
- (d) The storage of rags, paper and similar combustible waste shall not be closer than 100 feet to any property line, unless enclosed in a masonry building of not less than four-hour fire resistive construction.

#### **1135.25 SATELLITE RECEIVING DEVICE.**

A satellite receiving device in R Districts shall be subject to the following specific requirements:

- (a) The device shall not be located in the area between the street and the building line; in the side yard where abutting a lot in an R district; nor on the roof or attached to the side of any building, except for a device less than two (2) feet in diameter.
- (b) The device shall be securely mounted to withstand high winds as determined by the Chief Building Official or his designee.
- (c) The device shall not be located within utility easements or otherwise interfere with city utilities unless approved by the City Engineer.

#### **1135.26 ANIMALS.**

Livestock and animals shall be allowed on parcels only as follows:

- (a) Domestic dogs, domestic cats, fish, and honeybees (*apis mellifera*) may be kept on parcels of any size.
  - (1) Requirements for bee hives:
    - a. Each parcel is permitted up to two hives.
    - b. Hives shall be placed in rear yards only.
    - c. All hives shall be registered with the Ohio Department of Agriculture and shall comply with all requirements set forth in ORC Chapter 909.
  - d. Hives must be screened:
    - 1. With a minimum six (6) foot high flyway barrier around hives.
    - 2. The flyway barrier shall consist of a solid wall, fence, dense vegetation, or combination thereof.
    - 3. The flyway barrier shall extend ten (10) feet beyond the hive in each direction along the ground.
- (b) All other livestock and non-carnivorous animals shall only be kept on parcels three acres or more. Livestock and non-carnivorous animals kept on parcels of three acres or more shall be kept in an appropriately fenced area.
  - (1) Structures for fowl or small animals shall not be less than 100 feet distant from every abutting property line in an R district, while structures for horses, cattle, sheep, goats, and other large livestock shall be not less than 200 feet from every abutting property line in an R district.
  - (c) Carnivorous animals, other than domestic dogs, domestic cats, and fish, are not permitted in the city, except as part of a licensed circus or exhibition.

(Ord. 17-243. Passed 10-10-17.)

#### **1135.27 CARGO CONTAINERS.**

- (a) Definition. As used in this section, "cargo container" shall mean a standardized, reusable weatherproof fully enclosed box-like structure constructed with doors, originally designed for the shipment or storage of freight or other goods, and commonly designed for or is capable of being mounted on a railroad car, a chassis or bogie for movement by truck, and/or a ship.  
(Ord. 04-132. Passed 4-20-04.)

- (b) Cargo containers may not be used for warehouse/storage as the primary use of a property.  
(Ord. 04-132. Passed 4-20-04.)

- (c) Cargo containers 120 square feet or smaller in size may be used as temporary structures. As such, they may not be placed in front or side yard required setbacks.  
(Ord. 04-132. Passed 4-20-04.)

- (d) Cargo containers exceeding 120 square feet are allowed in residentially zoned districts only if in active use for the storage of construction materials for ongoing permitted construction, or for a maximum period of seven consecutive days in association with the relocation of the contents of a residential structure.  
(Ord. 04-132. Passed 4-20-04.)

- (e) Cargo containers exceeding 120 square feet are allowed in commercially zoned districts only as a conditional use. They may not be located in any setback required by zoning, nor be placed upon required parking, nor may their combined area exceed 7% of the floor area of the permanent structures on the site. They cannot be stacked.

(f) Cargo containers exceeding 120 square feet are allowed as accessory uses in industrially zoned districts. They may be stacked two high.

(Ord. 04-132. Passed 4-20-04.)

## CHAPTER 1136

### Wireless Communication Facilities

(Chapter enacted through Ordinance No. 06-425, passed December 5, 2006.)

**1136.01 Purpose and Objectives.**

**1136.02 Definitions.**

**1136.03 Conditional use permit required.**

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**1136.01 PURPOSE AND OBJECTIVES.**

In order to ensure that the placement, construction, and modification of wireless telecommunications facilities protects the City's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this chapter, the City hereby adopts an overall policy with respect to a conditional use permit for wireless telecommunications facilities for the express purpose of achieving the following goals:

- (a) Implementing an application process for person(s) seeking a conditional use permit for wireless telecommunications facilities;
- (b) Establishing a policy for examining an application for and issuing a conditional use permit for wireless telecommunications facilities that is both fair and consistent;
- (c) Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers;
- (d) Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities.
- (e) Making available to residents an appropriate level of wireless communication services while employing the least visually and physically intrusive means that are not technologically or commercially impracticable under the facts and circumstances.

**1136.02 DEFINITIONS.**

For purposes of this chapter, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

- (a) "**Wireless Telecommunication Accessory Facility or Structure**" means an accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- (b) "**Commercial Impracticability**" or "**Commercially Impracticable**" means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable."
- (c) "**Completed Application**" means an application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.
- (d) "**FAA**" means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- (e) "**FCC**" means the Federal Communications Commission, or its duly designated and authorized successor agency.
- (f) "**Height**" means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.
- (g) "**NIER**" means non-ionizing electromagnetic radiation.

- (h) "**Propagation study**" means a report showing the transmission characteristics of the proposed Wireless Telecommunications Facility which includes such information as the City shall require.
- (i) "**Personal Wireless Facility**" means a "Wireless Telecommunications Facility" used in the provision of "Personal Wireless Services."
- (j) "**Personal Wireless Services**" or "**PWS**" or "**Personal Telecommunications Service**" or "**PCS**" shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- (k) "**Telecommunication Site.**" See definition for "Wireless Telecommunications Facilities."
- (l) "**Conditional Use Permit**" means the official document or permit by which an applicant is allowed to construct and use wireless telecommunications facilities as granted or issued by the City.
- (m) "**State**" means the State of Ohio.
- (n) "**Stealth**" or "**Stealth Technology**" means to employ methods to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities by using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
- (o) "**Telecommunications**" means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- (p) "**Telecommunications Structure**" means a structure used in the provision of services described in the definition of "Wireless Telecommunications Facilities."
- (q) "Wireless Telecommunications Facility" includes a "Telecommunications Structure", "Telecommunications Site" and "Personal Wireless Facility" and means a structure, facility or location designed, or intended to be used as, or used to support antennas or other devices for transmitting or receiving wireless signals. A "Wireless Telecommunications Facility" includes, without limit, antennas and towers of all types and kinds and structures, whether installed on or in existing structures such as a multi-story building, church steeple, silo, water tower, sign or other structures, or constructed free standing, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC. "Wireless Communication Facility" does not include structures used exclusively for the City's fire or police or exclusively for private, noncommercial radio and television reception, private citizen's bands, amateur radio and other similar noncommercial telecommunications where the height of the facility is below the height limits set forth in this chapter.

#### **1136.03 CONDITIONAL USE PERMIT REQUIRED.**

- (a) No wireless telecommunications facility shall be constructed within the City unless and until a conditional use permit shall have been issued authorizing such construction unless the City Manager or designee has issued a written determination that the proposed Wireless Telecommunications Facility has no appreciable impact under subsection (c) below.
- (b) Any wireless communication facility lawfully constructed within the City prior to the adoption of this ordinance, is a non-conforming use, unless and until a conditional use permit shall have been issued with respect to such wireless communication facility.
- (c) If the City Manager determines, based on a written request (application), that due to the size, location and similar characteristics and due to the operating characteristics of the proposed facility, the proposed facility will have no appreciable visual or other impact upon the neighborhood in which it is to be located and no detrimental effect on existing telecommunication broadcasting and receiving, the City Manager may issue a written determination to that effect. The application for a determination of no appreciable impact shall be accompanied by such information as the City Manager may require to evaluate the impact of the proposed wireless telecommunications facility. The City Manager may require the applicant for a determination of no appreciable impact to provide all or a portion of the information specified in Sections 1136.05 and 1136.06 of this Chapter. An application for a determination of no appreciable impact shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. Such a determination shall not be made with respect to a proposed new tower.
- (d) A conditional Use Permit shall not be required for location of a Wireless Telecommunication facility in the City's rights of way. Such facilities must conform to the City's ordinances rules and procedures governing the rights of way.

(Ord. No. 12-8. Passed 1-17-12.)

#### **1136.04 APPLICATIONS FOR CONDITIONAL USE PERMIT.**

- (a) Applications for a conditional use permit shall be submitted to the Department of Community Development on such forms as the City Manager shall prescribe.
- (b) An application for a conditional use permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the City, any false or misleading statement in the application may result in denial of the application without further consideration or opportunity for correction.
- (c) Applications not meeting the requirements stated herein or that are otherwise incomplete may be rejected by the City.

#### **1136.05 GENERAL CONTENTS OF APPLICATION.**

All applications for a conditional use permit with respect to a wireless communication facility shall contain the following:

- (a) Conditional Use Application (Section 1172.05);
- (b) Co-location of a wireless telecommunications facility on existing structure
  - (1) Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;
  - (2) A plot plan shall indicate all building and land uses within two hundred (200) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
  - (3) The location of the nearest residential structure;
  - (4) The location, size and height of all proposed and existing antennae and all appurtenant structures;
  - (5) The number, type and design of the tower(s) and antenna(s) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users. The applicant shall list the location of every tower, building, or structure within a reasonable proximity that could support the proposed antenna;
  - (6) A description of the proposed antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
  - (7) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the antenna may be seen;
  - (8) Pictorial representations of "before" and "after" views from key viewpoints both inside and outside of the City, as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at a pre-application meeting, if requested by the applicant.
- (c) Telecommunications Structures: In addition to the general contents for co-location set forth in subsection (b) above, an applicant for a new telecommunication structure shall also submit,
  - (1) The type, locations and dimensions of all proposed and existing landscaping, and fencing;
  - (2) A comprehensive report inventorying existing towers and other suitable structures within 4 miles of the location of any proposed new tower, unless the applicant can show that some other distance is more reasonable;
  - (3) The make, model and manufacturer of the tower and antenna(s);
  - (4) An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
  - (5) Proof of the availability of the insurance required under Section 1136.13 and the removal bond required under Section 1136.15.
  - (d) If applicant petitions recognition of no appreciable impact under Section 1136.03(c), then please submit a statement of no appreciable impact directed to City Manager.
  - (e) Technical Certification data according to Section 1136.06 below.
  - (f) Statement of demonstration of necessity according to conditions set forth in Section 1136.07 below.

#### **1136.06 TECHNICAL CERTIFICATIONS.**

All applications for a conditional use permit with respect to a wireless communication facility shall contain, the following, each certified by an engineer or other professional licensed as appropriate to that item:

- (a) A topographic and geomorphologic study and analysis taking into account the subsurface and substrata, and the proposed drainage plan, assuring the stability of the proposed wireless telecommunications facilities on the proposed site.
- (b) The frequency, modulation and class of service of radio or other transmitting equipment;
- (c) The actual intended transmission and the maximum effective radiated power of the antenna(s);
- (d) The direction of maximum lobes and associated radiation of the antenna(s);
- (e) Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC;
- (f) Certification that the proposed antenna(s) will not cause interference with other telecommunications devices;
- (g) A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities;

#### **1136.07 REQUIRED DEMONSTRATIONS.**

The application shall contain demonstrations that the granting of the application will further the objectives stated in Section 1136.01 above. Such demonstrations shall include:

- (a) A demonstration the need for the wireless telecommunications facility to provide service primarily and essentially within the City. Such demonstration shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;
- (b) In the case of a new tower, a demonstration that the proposed facility has been sited and designed so as to employ the least visually and physically intrusive means that are not commercially impracticable under the facts and circumstances. Such report must include evidence that fair and thorough consideration was given to the following:
  - (1) Sharing an existing tower or other facility with another provider,
  - (2) Locating the facility atop or within an existing structure,
  - (3) Locating the facility upon publicly owned land,
  - (4) Making any new tower accessible to co-location of additional antennas of other providers,
  - (5) Locating the facility so as to minimize the impact upon the following types of Zoning Districts in the following order:
    - (A) Historical Districts,
    - (B) Single Family Residential Districts,
    - (C) Multi-Family Residential Districts,
    - (D) Commercial Districts,
    - (E) Manufacturing and Industrial Districts,
  - (6) Minimizing the height of towers and other structures,
  - (7) Employing camouflage or other stealth technology.
- (c) A demonstration of the ability of any proposed new tower to accommodate future demand for at least five additional commercial

applications, such as future co-locations, without causing interference. This requirement may be waived, provided that the applicant demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:

- (1) The foreseeable number of FCC licenses available for the area;
- (2) The kind of wireless telecommunications facilities site and structure proposed.
- (d) Agreements between providers limiting or prohibiting co-location shall not be accepted as a valid basis for a claim of commercial impracticability or hardship. An assertion that the proposed site is the only site under option or lease shall not be accepted as a valid basis for a claim of commercial impracticability or hardship.

#### **1136.08 REVIEW OF APPLICATION.**

(a) The City Manager shall designate such persons as the City Manager deems appropriate to review, analyze, and evaluate applications and supporting materials. The City Manager may, at his discretion, delegate or designate other official agencies of the City or consultants employed by the City to accept, review, analyze, evaluate and make recommendations with respect to granting or not granting, recertifying or not recertifying or revoking conditional use permits for wireless telecommunications facilities.

(b) If after review of the "Zone of Visibility Map" submitted under Section 1136.05 (b)(7) above, the City determines that the proposed facility is likely to have adverse visual or aesthetic impact, the City may require the applicant to perform a balloon test at the applicant's expense, described as follows:

- (1) The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a 3 foot in diameter brightly colored balloon at the maximum height of the proposed new tower.
- (2) The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the applicant 7 and 14 days in advance of the first test date in a newspaper with a general circulation in the City.
- (3) The applicant shall inform the City, in writing, of the dates and times of the test, at least 14 days in advance.
- (4) The balloon shall be flown for at least four consecutive hours sometime between 7:00 a.m. and 4:00 p.m. on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday.

#### **1136.09 STANDARDS FOR FACILITIES.**

A conditional use permit for a wireless communication facility will be granted only when the facility complies with the following standards:

- (a) The base and all related facilities and structures of the proposed wireless telecommunications facilities will be effectively screened from view.
- (b) All utilities at the site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- (c) Access roads, turn-around space and parking have been provided to assure adequate emergency and service access.
- (d) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
- (e) Road construction shall minimize ground disturbance and the cutting of vegetation.
- (f) Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- (g) Any new tower to be constructed on the site shall be no higher than necessary, and in no case, higher than one hundred ninety feet (190) above existing grade.
- (h) Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.
- (i) Towers shall be galvanized and painted with a rust-preventive paint of a noncontrasting gray or similar color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this chapter.
- (j) All wireless telecommunications facilities and antennas shall be fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:
  - (1) All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
  - (2) Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.
- (k) Wireless telecommunications facilities shall contain a sign no larger than 4 square feet located near the base of the tower in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the antenna(s), as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule or regulation. No other signage, including advertising, shall be permitted.
- (l) All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from any residential property line a minimum of a distance equal to the height of the proposed tower or wireless telecommunications facility structure plus 50% of the height of the tower or structure.
- (m) All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from any nonresidential property line a minimum of a distance equal to the height of the proposed tower or wireless telecommunications facility structure plus 25% of the height of the tower or structure.

#### **1136.10 PERMIT TO BE GRANTED.**

A conditional-use permit with respect to a wireless telecommunications facility shall be granted when

- (a) All of the following criteria (1) through (4) are met:

- (1) The City reasonably determines that granting the application will serve the objectives set forth in Section 1136.01 above;
  - (2) The City reasonably determines that the applicant has clearly and convincingly demonstrated the matters required by Section 1136.07 above;
  - (3) The application shows compliance with the standards set forth in Section 1136.09 above; and
  - (4) The application demonstrates compliance with other applicable provisions of the Zoning Code.
- (b) Or, if the conditional use permit application is for the modification of an existing tower or base station that does not substantially change the physical dimensions of the tower or base station and involves a collocation of new transmission equipment or removal of transmission equipment or replacement of transmission equipment, then a conditional-use permit shall be granted for the collocation, removal, and/or replacement.

(Ord. 12-176. Passed 06-05-12.)

#### **1136.11 EFFECT OF GRANTING PERMIT.**

A permit granted under Section 1136.10 above shall entitle the holder to construct a wireless telecommunication facility upon the issuance of a building permit obtained from the Chief Building Official, and to operate the facility for a period of five (5) years from the date of issuance, subject to compliance with the provisions of Section 1136.12 below.

#### **1136.12 CONTINUING OBLIGATIONS OF HOLDER OF PERMIT.**

The holder of a permit granted under Section 1136.10 above shall:

- (a) Maintain the facility in continuous operation. "Continuous operation" means that the facility has not been inactive for a period in excess of sixty (60) consecutive calendar days, unless such inactivity has been caused by an Act of God, or force majeure, and repair or reconstruction has commenced within such sixty (60) day period;
- (b) Operate and maintain the facility in accordance with the terms of the application, and any applicable license issued by the FCC;
- (c) Maintain in full force and effect the liability and other insurance required under the terms of Section 1136.13;
- (d) Negotiate in good faith for the shared use of any tower by other wireless service providers in the future, and shall:
  - (1) Respond within 60 days to a request for information from a potential shared-use applicant;
  - (2) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- (e) Failure to abide by the conditions outlined above may be grounds for revocation of the conditional use permit for the facility.

#### **1136.13 REQUIRED INSURANCE.**

(a) A holder of a conditional use permit for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the conditional use permit in amounts as set forth below:

- (1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence; \$2,000,000 aggregate;
- (b) The Commercial General Liability insurance policy shall specifically include the City and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.
- (c) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- (d) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least 30 days prior written notice in advance of the cancellation of the insurance.
- (e) Renewal or replacement policies or certificates shall be delivered to the City at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- (f) Before construction of a permitted wireless telecommunications facilities is initiated, but in no case later than 15 days after the granting of the conditional use permit, the holder of the conditional use permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

#### **1136.14 FEES AND DEPOSIT.**

- (a) At the time that a person submits an application for a conditional use permit for a new tower, such person shall pay a non-refundable application fee of \$5,000.00 to the City. If the application is for a conditional use permit for co-locating on an existing tower or other suitable structure, where no increase in height of the tower or structure is required, the non-refundable fee shall be \$2,000.00. At the time that a person submits an application for a determination of no appreciable impact, such person shall pay a non-refundable fee of \$1,000.00 to the City.
- (b) No application fee is required in order to rectify a conditional use permit for wireless telecommunications facilities, unless there has been a visible modification of the wireless telecommunications facility since the date of the issuance of the existing conditional use permit for which the conditions of the conditional use permit have not previously been modified. In the case of any modification, the fees provided in division (a) shall apply.

(c) In addition to the non-refundable application fee set forth in subsection (a) above, as required, an applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the City in connection with the review of any application, including the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00. The placement of the \$8,500.00 with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for services in reviewing the application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the City, replenish the escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the application. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

(Ord. No. 12-8. Passed 1-17-12.)

### **1136.15 REMOVAL OF FACILITY.**

The City may require that a telecommunication facility be removed upon the occurrence of any of the following events:

- (a) The facility was not constructed in accordance with any applicable permit,
- (b) The facility has deteriorated from lack of maintenance or other cause so that it has become a danger to public safety,
- (c) More than ninety days have elapsed since the expiration of the facility's conditional use permit and no application for renewal is pending,
- (d) The facility has been inactive for a period of at least ninety (90) consecutive calendar days,
- (e) The holder of the conditional use permit has not fulfilled the holder's continuing obligations under Section 1136.12 above.

### **1136.16 ASSURANCE OF REMOVAL.**

(a) In order to assure the prompt removal of a wireless communication facility when required by the City in accordance with Section 1136.15 above, the City shall require the holder of a conditional use permit to maintain in full force and effect a removal bond. A removal bond shall:

- (1) Be written by a surety company authorized to do business in the State;
- (2) Be in an amount sufficient to pay the cost of removal of the facility, and not less than \$75,000;
- (3) Provide that upon written notice from the City Manager to the surety company and the holder that the City has caused the removal of the facility, the surety shall pay to the order of the City the City's cost of removal of the facility, up to and including the maximum amount of the bond.

(b) In the event that the bond required under subsection (a) above is unavailable or insufficient to pay the City's cost of removal, the City may issue an assessment in the amount of its removal costs against the parcel or parcels of real estate upon which the facility was located, in accordance with law.

## **CHAPTER 1140**

### **PD Planned Development District**

#### **1140.01 Purpose.**

#### **1140.02 Definitions.**

#### **1140.03 Lands eligible for inclusion in a PD district.**

#### **1140.04 PD ordinance and master development plan design.**

#### **1140.05 The application for rezoning as a PD district.**

#### **1140.06 Procedure for review and and approval of PD district preliminary master development plans and establishment of a PD district.**

#### **1140.07 Implementation of the PD ordinance.**

#### **1140.08 Administration of the PD ordinance.**

### **1140.01 PURPOSE.**

(a) This Chapter establishes the procedures for review and adoption of Planned Development (PD) districts. A Planned Development: (1) is a concept which requires land to be under unified control, planned and developed as a whole in a single development or in an approved, programmed series of developments; (2) is governed by a PD Ordinance which becomes the zoning regulation for the land to which the PD Ordinance is applied and may also include subdivision regulations to govern the land; (3) includes principal and accessory structures substantially related to the character of the development itself and the surrounding area of which it is a part; and (4) is a concept which, when implemented, allows for development according to comprehensive and detailed plans which may include not only streets, utilities, building sites, and the like, but also site plans for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land.

(b) The purpose of the PD district is to provide for zoning and subdivision regulation of Planned Developments to allow more flexible design of single use residential, commercial or industrial uses developments as well as allow modern integrated developments of mixed residential, commercial, industrial, recreational or agricultural uses, with such Planned Developments regulated so as to be in substantial conformity with the Clark County Comprehensive Land Use Plan (commonly known as the Crossroads Plan) adopted by the City, with the City's Thoroughfare Plan and with the purposes established in Section 1101.02 of the Springfield Zoning Code, and so as to not have substantially adverse effects on neighboring areas which outweigh the benefits to the community derived from the Planned

Development. In addition, the regulation of Planned Developments under this Chapter is intended to further the following purposes:

- (1) To provide flexibility in architectural design, placement and clustering of buildings, use of open space, provision of traffic circulation facilities and parking, and related site development considerations;
- (2) To provide for the preservation and best use of existing landscape features and environment characteristics through development sensitive to and protective of the natural features of the PD district and the surrounding area in a harmonious fashion;
- (3) To promote efficient land use with smaller networks of utilities and streets;
- (4) To provide a more flexible zoning mechanism to facilitate redeveloping older residential areas and to encourage infill development;
- (5) To enable the creation of a more desirable environment than would be possible through application of the regulations in the City's conventional zoning districts;
- (6) To provide a comprehensive planning process and an integrated body of regulation for zoning and subdivision control of each Planned Development;
- (7) To provide for more usable and suitably located recreation facilities, open spaces and other public, private and common amenities than would otherwise be provided under conventional land use development regulation;
- (8) To combine and coordinate architectural styles, building forms and building relationships within Planned Developments;
- (9) To provide for appropriate land covenants, easements and financial assurances and security to ensure completion of public improvements, completion of construction of Planned Development phases, long term maintenance of common areas and other amenities in Planned Developments, long term maintenance and preservation of Planned Development features intended to mitigate adverse effects on neighboring areas and areas within the Planned Development and preservation of the attributes of the Planned Development necessary to integration of the uses permitted therein;
- (10) To provide for the integration of diverse uses in a manner that will allow the uses to complement each other and that will promote convenience of access to various uses by the community within and near the Planned Development;
- (11) To provide aesthetically pleasing development which will foster a livable environment in the Springfield community and which will promote the public welfare;
- (12) To provide a flexibility in zoning and subdivision regulation that will incentivise developers to opt for pursuing a planned development subject to more comprehensive municipal regulation, even though the developer may incur increased early development costs associated with undertaking the PD district planning process.

#### **1140.02 DEFINITIONS.**

The following definitions shall be applicable to this Chapter, unless a contrary meaning is indicated by the text:

- (a) **Applicant.** An applicant is a person who files a petition for a zoning amendment to establish a PD district under this Chapter. A person who holds a contractual right to become the owner of a freehold estate in land proposed to be made subject to a PD Ordinance adopted under this Chapter may be an applicant. All owners of freehold estates in the lands proposed to be made subject to the PD Ordinance adopted under this Chapter must be co-applicant parties to the application made under this Chapter.
- (b) **Buffer.** A buffer is a landscaped area, fence, wall or other barrier along the perimeter of a PD district boundary, between land use categories within a PD district, or between incompatible uses within a PD district.
- (c) **Common Open Space.** Common open space is an area of land, an area of water, or a combination of land and water within a PD district which is for the benefit of or open to use by multiple occupants of the PD district.
- (d) **Compatibility.** The ability of land use to coexist with surrounding land uses in a stable fashion over time such that none of the uses are subjected to substantially adverse effects which outweigh the benefits to the community derived from the uses being permitted to exist in proximity to each other and which will not result in an existing lawful use becoming impractical as a result of its proximity to the proposed new use.
- (e) **Gross Density.** Gross Density for residential uses is the total number of dwelling units divided by the total number of acres designated for residential uses within the perimeter boundaries of a PD district. Gross density for non-residential uses is determined by the floor area ratio.
- (f) **Master Development Plan.** A Master Development Plan is the set of documents describing the attributes of a Planned Development, including:
  - (1) The PD Ordinance to govern the Planned Development, which shall include the zoning regulations to govern the Planned Development, which shall include standards by which the Planning Board will administer the PD Ordinance, which may include subdivision regulations which, as to the Planned Development, will be in addition to and which, to the extent they vary from the subdivision regulations in Part Twelve of the Codified Ordinances, shall supersede the subdivision regulations in Part Twelve of the Codified Ordinances and which shall include an amendment to the Zoning Map of Springfield, Ohio;
  - (2) A plot plan of subdivision characteristics and other attributes of the Planned development (the Master Development Plan plat map is not the same as the plat submitted for subdivision approval);
  - (3) Any declaration of land covenants required to accomplish the purposes of this Chapter as pertaining to the Planned Development;
  - (4) Any conveyance of easements or other interests in real estate required to accomplish the purposes of this Chapter as pertaining to the Planned development;
  - (5) Any financial assurances and security or other mechanisms required to accomplish the purposes of this Chapter as pertaining to the Planned Development; and
  - (6) Any other required conditions relating to use, location and bulk of building, density of development, common open space, and public facilities within the Planned Development.
- (g) **Net Commercial Acreage.** Net Commercial Acreage is the total number of acres within the perimeter boundaries of a PD district, excluding areas devoted to streets, rights-of-way, easements, lakes, public, private and common open space, recreation,

and other permitted non-commercial and office uses.

- (h) **Net Office Acreage.** Net Office Acreage is the total number of acres within the perimeter boundaries of a PD district, excluding areas devoted to streets, rights-of-way, easements, lakes, public, private and common open space, recreation, and other permitted non-office uses.
- (i) **Net Industrial Acreage.** Net Commercial Acreage is the total number of acres within the perimeter boundaries of a PD district, excluding areas devoted to streets, rights-of-way, easements, lakes, public, private and common open space, recreation, and other permitted non-industrial uses.
- (j) **Net Residential Acreage.** Net Residential Acreage is the total number of acres within the perimeter boundaries of a PD district, excluding areas devoted to streets, rights-of-way, easements, lakes, public, private and common open space, recreation, and other permitted non-residential uses.
- (k) **Preliminary Master Development Plan.** A Preliminary Master Development Plan is a Master Development Plan proposed by the applicant and made a part of the application, as required by this Chapter, to be submitted to the Planning Board for their consideration.
- (l) **Substantial Construction.** Substantial construction is achieved at the point in development when all required permits necessary to build a Planned Development phase have been obtained and actual construction of public improvements, or stormwater management systems on the Planned Development phase is either complete or in active progress.
- (m) **Undeveloped Area.** Undeveloped area is the area within a PD district where agriculture or recreation uses in open areas may be continued.

#### **1140.03 LANDS ELIGIBLE FOR INCLUSION IN A PD DISTRICT.**

(a) A PD district shall be comprised only of contiguous lands forming a single, cohesive area to be developed as a unit, either at one time or in phases. No PD district may surround an island of land not included as part of the PD district.

(b) No PD district shall be established unless all owners of freehold estates in the lands included within the proposed PD district have given their consent, in writing, to the establishment of the proposed PD district and to their lands being made subject to the PD Ordinance to be adopted by the City Commission and to the terms of the Master Development Plan related thereto and unless all such owners have provided all legally binding instruments the City Commission finds are necessary to the enforcement of long term obligations imposed under the said PD Ordinance and Master Development Plan.

#### **1140.04 PD ORDINANCE AND MASTER DEVELOPMENT PLAN DESIGN.**

(a) This section is intended to provide guidance to the City staff in assisting applicants wishing to petition for establishment of a PD district and to provide guidance to the Planning Board in its consideration of and adjustment of a Preliminary Master Development Plan and in designing a PD Ordinance to be recommended to the City Commission, if a PD district is to be recommended.

(b) The Planning Board shall consider the following matters in reviewing and adjusting a Master Development Plan and designing a PD Ordinance to be recommended to the City Commission:

- (1) Whether the proposed PD district meets the qualifications of Section 1140.03.
- (2) What permitted uses are appropriate for the proposed PD district;
- (3) Compliance with stormwater regulations;
- (4) Conformance to density policies established by the Clark County Comprehensive Land Use Plan or by the City Commission;
- (5) The location and sizing of buildings so as to provide adequate light and ventilation to protect the health of the occupants and users of the Planned Development;
- (6) The location and sizing of buildings so as to provide necessary access for fire apparatus and other emergency vehicles;
- (7) The location and sizing of buildings so as to provide a reasonable degree of privacy for residents and occupants of the Planned Development;
- (8) Establishing appropriate setback and yard requirements for the proposed Planned Development;
- (9) Ingress and egress for the proposed Planned Development from and to public thoroughfares and traffic circulation within the proposed PD district and avoidance of overburdening existing public thoroughfares;
- (10) Establishing appropriate open space for recreation and to establish an attractive environment that is beneficial to the public health, safety and welfare;
- (11) Determine whether appropriate land will be dedicated to public use for public roadways, public utilities, public recreation facilities and public parks;
- (12) The location and sizing of public utilities within the proposed PD district to ensure adequate service within the proposed PD district and to avoid overburdening existing public utilities;
- (13) The use of and design of buffers within and on the boundary of the proposed PD district to separate uses and to mitigate substantially adverse effects on property within the proposed PD district and on property in neighboring areas and compliance of buffers with Chapter 1156 of the Springfield Zoning Code;
- (14) The provision of adequate parking, the location of parking facilities and whether off-street parking should be permitted which deviates from the requirements of Chapter 1153 of the Springfield Zoning Code;
- (15) The grouping of buildings and the variety and design of building types;
- (16) The compatibility of land uses within the proposed PD district and the compatibility of land uses permitted in the proposed PD district with lawful land uses existing in neighboring areas;
- (17) The impact of land uses within the proposed PD district on environmental features of the proposed PD district which are to be preserved and on environmental features in neighboring areas;
- (18) The need for limitation on land uses within the proposed PD district in furtherance of the purposes of this Chapter and the compatibility of land uses within the proposed PD district and with land uses in neighboring area;
- (19) The form of ownership interests intended for the Planned Development;
- (20) Access to public transportation systems;

- (21) The location and design of landscaping within the proposed PD district and compliance with Chapter 1158 of the Springfield Zoning Code;
- (22) The location and design of signs within the proposed PD district and compliance with Chapter 1155 of the Springfield Zoning Code;
- (23) The appropriate size for subdivision lots within the proposed PD district for the various uses permitted within the proposed PD district;
- (24) Every lot within the proposed PD district is required to have access to a public thoroughfare either directly or by means of a private road;
- (25) Streets within the proposed PD district, public or private, are required to conform to the minimum requirements of Part Twelve of the Codified Ordinances and to the specifications for public roadway structures adopted by the City Engineer, whether the roadway is public or private, but alleys may deviated from the minimum requirements of Part Twelve of the Codified Ordinances if the City Fire Chief determines that such deviation will not prevent access to abutting properties by fire apparatus;
- (26) How is development of the proposed PD district to be completed in progressive phases and whether the proposed schedule development of the PD district is practical and will accomplish build out of phases of the Planned Development within a reasonable time;
- (27) What land covenants, easements, other interests in real estate and financial assurances and security are necessary to ensure completion of public improvements, completion of construction of the Planned Development phases, long term maintenance of common areas and other amenities in the Planned Development, long term maintenance and preservation of Planned Development features intended to mitigate adverse effects on neighboring areas and areas within the Planned Development and preservation of the attributes of the Planned Development necessary to integration of the uses permitted in the proposed PD district;
- (28) What precautions are to be taken to preserve environmental attributes of the proposed PD district which are to be retained and on environmental features in neighboring areas;
- (29) What standards should the PD Ordinance contain to govern exercise of Planning Board discretion in administering the PD Ordinance and approving modifications to the Master Development Plan over time; and
- (30) What uses should be specifically prohibited within the proposed PD district.

#### **1140.05 THE APPLICATION FOR REZONING AS A PD DISTRICT.**

(a) The applicant seeking to have land rezoned as a PD district shall submit to the Planning and Zoning Administrator six (6) copies of a PD Rezoning Application which shall include the following:

(b) An opinion of an attorney at law, licensed to practice in Ohio, which is addressed to The City of Springfield, Ohio and upon which the City may rely, containing a good and sufficient legal description of the lands which are the subject of the application [as required in subdivision (c)(3) of this Section] and stating all owners of freehold estates in such lands. If one or more applicants is a holder of a contractual right to become an owner of a freehold estate in such lands, then the application shall also include a true copy of the document establishing such contractual right and an opinion of an attorney at law, licensed to practice in Ohio, which is addressed to The City of Springfield, Ohio and upon which the City may rely, verifying that the said document is legally binding on the parties thereto in accordance with the terms of such document.

(c) A Preliminary Master Development Plan which shall include the following exhibits:

- (1) A statement of objectives for the Planned Development, describing:
  - A. The general purpose of the proposed Planned Development;
  - B. The general character of the proposed Planned Development;
  - C. The proposed permitted and prohibited uses for the proposed PD district; and
  - D. The rational supporting the assumptions and choices made by the applicant.
- (2) A vicinity map drawn to a scale to show an area of no less than one thousand (1,000) feet surrounding the proposed PD district (a larger area may be required if the Planning Board determines that information on a larger vicinity is needed to properly review the application) showing the location of the proposed Planned Development in relation to:
  - A. Existing streets and thoroughfares, showing the location and size of all existing utilities facilities, including drainage, water, sewer, electrical, and fire hydrants;
  - B. Existing public and private facilities, including but not limited to, schools, recreation areas, public utility facilities, stormwater detention facilities and police and fire stations;
  - C. Existing zoning and existing land uses on the proposed PD district site and on surrounding areas; and
  - D. Existing easements on the proposed PD district site;
- (3) A boundary survey plat map and good and sufficient legal description of the lands which are the subject of the application (such legal description being compliant with the requirements of the Clark County, Ohio County Engineer for conveying interests in real estate).
- (4) A topographic survey using the most recent United States Geological Service topographic survey if more detailed topographic information is not available.
- (5) A site analysis map drawn to the same scale as the Preliminary Master Development Plan plat map, described below, which shall indicate flood prone areas, areas with slopes greater than five percent (5%), areas of soils which are marginally suited for development purposes and a tree survey (including tree cover, existing vegetation and other natural areas of significance as indicated in an accompanying Natural Area Inventory prepared by an ecologist or similarly trained environmental specialist).
- (6) A Preliminary Master Development Plan plot plan drawn to a scale suitable to clearly depict the following characteristics of the proposed PD district (the scale for the vicinity map being a minimum standard):
  - A. Proposed land uses within the proposed PD district and their location;

- B. Proposed lot sizes within the proposed PD district, indicated either by lot lines drawn in their proposed location or a statement on the face of the Preliminary Master Development Plan concerning proposed lot sizes, including minimum lot sizes;
  - C. Proposed building setbacks defining the distance buildings will be set back from:
    - (i) Property lines surrounding the proposed PD district;
    - (ii) Proposed and existing streets and alleys, identified as either public or private;
    - (iii) Other proposed buildings;
    - (iv) The center line of ditches, streams, creeks and the high water line of lakes and ponds;
    - (v) Lot lines within the proposed PD district; and
    - (vi) Other man-made or natural features which would be affected by building encroachment.
  - D. Proposed maximum height of buildings within the proposed PD district;
  - E. Proposed common open spaces, the intended purposes and uses of such common open spaces, their location and size and the parameters limiting use of such common open spaces;
  - F. Arterial and collector streets and thoroughfares, if any, and point(s) of connection for access roads to the Planned Development;
  - G. Local access streets and interior circulation roadways, paths and trails, public and private, vehicular and pedestrian, within the proposed PD district;
  - H. Proposed common outside storage areas, their location and size and the parameters limiting use of such common storage areas;
  - I. Proposed lot lines within the proposed PD district;
  - J. Proposed Buffers and their location, design and a maintenance plan; and
  - K. Undeveloped areas.
- (7) A table showing proposed acreage for each category of land use within the proposed PD district.
- (8) A table showing gross density and net residential, commercial, office, and industrial acreage.
- (9) A statement concerning proposed floor area ratios (percent of lot in relation to building floor area) and the maximum building and impervious surface coverage expressed as a percent of the front yard, rear yard, and total site area for residential and nonresidential uses within the proposed PD district.
- (10) A proposed utility service plan pertaining to sanitary sewers, storm drainage, potable water supply, street lighting, energy supply, telecommunications and data transmission showing general locations of major water and sewer lines, lift stations, and indicating whether gravity or forced systems are planned as well as locations of other major utility infrastructure. Utility infrastructure shall be identified as either public or private.
- (11) A proposed sign plan identifying the location, size and type of signs to be placed on the Planned Development.
- (12) A description of each development stage of the proposed Planned Development, if the proposed PD district is to be developed in phases.
- (13) A proposed construction/development schedule for the Planned Development and each phase thereof.
- (14) Proposed deed and easement documents for public infrastructure within the PD district and proposed easement documents for proposed common areas, ingress and egress rights-of-way for lots within the proposed PD district and such other conveyance documents necessary to establish permanent rights needed by owners and occupants of the proposed Planned Development.
- (15) Proposed land covenants necessary to provide for permanent protection of rights of land owners within the proposed PD district, to provide for long term enforcement of conditions intended to protect the interests of land owners in neighboring areas and to provide for permanent protection of land features and characteristics of the proposed Planned Development.
- (16) A draft proposed PD Ordinance in a format prescribed by the Planning and Zoning Administrator and approved by the Law Director.
- (17) Proposed financial assurances and security or other mechanisms necessary to effectively ensure completion of public improvements, completion of construction of Planned Development phases, long term maintenance of common areas and other amenities in the proposed Planned Development, long term maintenance and preservation of Planned Development features intended to mitigate adverse effects on neighboring areas and areas within the proposed Planned Development and preservation of the attributes of the proposed Planned Development necessary to integration of the uses permitted therein accomplish the purposes of this Chapter as pertaining to the proposed Planned Development.
- (d) At any time during the application review process, the Planning Board may require the applicant to supplement its application to provide such additional data as the Planning Board may require to evaluate the character and impact of the proposed PD district.

#### **1140.06 PROCEDURE FOR REVIEW AND APPROVAL OF PD DISTRICT PRELIMINARY MASTER DEVELOPMENT PLAN AND ESTABLISHMENT OF A PD DISTRICT.**

- (a) The provisions of Chapter 1174 shall govern the establishment of a PD district under this Chapter; provided, however:
  - (1) The plot plan and data pertaining to neighboring property required in Subsections 1174.01(a)(1) and (2) may be provided separately along with an application which may be made part of the Preliminary Master Development Plan.
  - (2) The requirement of Subsection 1174.01(b)(3) will be satisfied by compliance with the Preliminary Master Development Plan requirement at Subsection 1140.05(c)(1).
- (b) Preapplication Conference. Prior to the submission of an application for the establishment of a PD district, the applicant (along with such consultants and professional advisors as the applicant chooses to attend) shall meet with the Planning and Zoning Administrator (along with such other City staff members which the Planning and Zoning Administrator deems appropriate) for the purpose of assisting the applicant in submitting a complete and compliant application for consideration by the Planning Board. Upon receiving a request for a preapplication conference from a prospective applicant, the Planning and Zoning Administrator shall schedule a

preapplication conference at City Hall to be held within twenty five (25) days of the prospective applicant's request for a preapplication conference. The prospective applicant may request, in writing, that the preapplication conference be scheduled for a later date. The applicant shall have prepared and shall have delivered to the Planning and Zoning Administrator at least six (6) copies of the following data at least five (5) days prior to the scheduled preapplication conference date:

- (1) A sketch plan of the proposed PD district;
- (2) A statement of the total number of acres in the proposed PD district;
- (3) A statement of the number and type of structures and lots; the number of acres to be occupied by each type of use in the proposed PD district;
- (4) A statement explaining the objectives of the proposed Planned Development and the uses to be included within the proposed PD district;
- (5) The known deviations from subdivision regulations to be sought; the known plans for private utilities, amenities, and/or roadways.

Notwithstanding the foregoing, the applicant may, at the applicant's option, submit a complete draft PD district application in lieu of the above mentioned five items.

(c) In the event the applicant fails to submit the above mentioned data to the Planning and Zoning Administrator at least five (5) days prior to the scheduled preapplication conference, the Planning and Zoning Administrator shall reschedule a preapplication conference for a date after the above mentioned data has been delivered to the Planning and Zoning Administrator, but no later than thirty (30) days after the above mentioned data has been delivered to the Planning and Zoning Administrator.

(d) After the initial preapplication conference, the Planning and Zoning Administrator may schedule such additional preapplication conferences as the Planning and Zoning Administrator finds to be necessary to enable the applicant to submit a complete and compliant application for consideration by the Planning Board.

(e) When an application to establish a PD district is in good order, complete and compliant with the requirements of Section 1140.05, it shall be submitted to the Planning Board pursuant to Section 1174.02 of the Springfield Zoning Code. A applicant may waive, in writing, the 45 day deadline for consideration of a zoning amendment petition by the Planning Board.

(f) After the Planning Board's due consideration of an application for establishment of a PD district, the Planning Board shall prepare and submit to the City Commission a written report of its findings which form the basis of the Planning Board's recommendation and shall make its recommendation on such application to the City Commission by:

- (1) Recommending adoption of the PD district to which the applicant has consented, in writing as required in this Chapter, and tendering to the City Commission a PD Ordinance to establish the PD district; or
- (2) Forwarding to the City Commission a PD Ordinance to establish the PD district to which the applicant has consented, in writing as required in this Chapter, but recommending that the PD district proposed in the forwarded PD Ordinance not be established.

(g) In the event the City Commission considers a PD Ordinance which is materially different from the PD Ordinance recommended by the Planning Board, the applicant must consent, in writing, to such modified PD Ordinance (as required in this Chapter) and the considered PD Ordinance shall be adopted only by the affirmative vote of at least four members of the City Commission.

#### **1140.07 IMPLEMENTATION OF THE PD ORDINANCE.**

(a) After adoption of a PD Ordinance by the City Commission, the owners of lands within the PD district shall record with the Clark County, Ohio County Recorder an affidavit notifying the public that the lands described in the PD Ordinance have been made subject to the PD Ordinance. The affidavit shall be in a form approved by the Law Director.

(b) After adoption of a PD Ordinance by the City Commission, the owners of lands within the PD district shall also record with the Clark County, Ohio County Recorder such other deeds, easements declarations of land covenants and such other conveyances of interests in real property as the PD Ordinance requires.

(c) After adoption of a PD Ordinance by the City Commission, the applicant shall forthwith deliver to the City proof acceptable to the City Manager and Law Director that such financial assurances, security and other mechanisms as are required under the PD Ordinance are in place, properly funded and enforceable.

(d) No building permit shall be issued for any construction within a PD district until after the applicant has achieved full and complete compliance with the requirements of subdivisions (a), (b) and (c) of this Section, as specified in the PD Ordinance.

(e) In the event that a Planned Development or a phase of a Planned Development is not under substantial construction within twenty four (24) months after the commencement date for the relevant portion of the Planned Development, as specified in the Development Schedule adopted in the PD Ordinance; then, upon a determination by the City Commission that the PD Ordinance should not be amended to allow an extension of time to commence substantial construction of the relevant portion of the Planned Development, the Planning Board shall proceed to consider whether such lands included in the said portion of the Planned Development should be rezoned and shall make its recommendation to the City Commission.

#### **1140.08 ADMINISTRATION OF THE PD ORDINANCE.**

(a) The Planning Board shall administer each PD Ordinance in accordance with the standards for such administration established in the PD Ordinance and shall administer such PD Ordinance in a manner consistent with accomplishing the purposes of this Chapter set forth in Section 1140.01. Administration of a PD Ordinance may include modification of the Master Development Plan; provided such

modification is in compliance with the standards for administration established in the PD Ordinance and is consistent with accomplishing the purposes of this Chapter set forth in Section 1140.01.

- (1) Property owners seeking a modification of the Master Development Plan governing their land may file a written request for modification with the Planning Board describing the modification requested and providing all data needed by the Planning Board to determine whether such requested modification can be approved under the standards established in the PD Ordinance governing such land.
  - (2) The Planning Board shall consider a request for modification only when all owners of freehold estates in the subject land have joined in making the request.
  - (3) The Planning Board may require that a request be supplemented with such additional data as the Planning Board determines is necessary to determine whether a requested modification should be granted.
  - (4) The Planning board shall grant the requested modification if the Planning Board is able to find that the requested modification is in compliance with the standards for administration established in the PD Ordinance and is consistent with accomplishing the purposes of this Chapter set forth in Section 1140.01.
- (b) In the event that all or a portion of a Planned Development is rezoned, as provided for in Section 1140.07(e) or otherwise, the Planning Board shall direct the Planning and Zoning Administrator to submit an affidavit to the Clark County, Ohio County Recorder giving notice to the public that the relevant portion of the Planned Development is no longer subject to the PD Ordinance. The affidavit shall be in a form approved by the Law Director.
- (c) Notwithstanding the terms of subdivision 1140.08(a), above, the Board of Zoning Appeals shall perform the functions delegated to it under Chapter 1172 in matters pertaining to a PD district.

## CHAPTER 1141

### UPOD Unified Plan Overlay District

#### **1141.01 Purpose.**

#### **1141.02 General requirements.**

#### **1141.01 PURPOSE.**

(a) This chapter is intended to implement the Unified Plan for Downtown Springfield adopted by the Springfield City Commission in Resolution No. 5509, adopted May 15, 2007. The Unified Plan for Downtown Springfield adopts a uniform development standard approach to land use and zoning regulation. Uniform development standard land use regulations allow market demands to determine the mix of uses within the constraints of the building design standards of the community. The Unified Plan establishes zones of building type and allows building owners to determine the uses.

(b) This chapter includes both required and recommended unified development standards. All required zoning regulations must be complied with. Landowners are specifically encouraged to comply with recommended district uses, design standards, and economic development objectives.

(c) The policy objectives intended to be achieved by the imposition of the UPOD Urban Commercial Overlay District are to:

- (1) Unite all downtown developments into a single plan
- (2) Create a unified development standard for downtown
- (3) Protect the character of existing downtown residential neighborhoods
- (4) Provide guidance to the private market
- (5) Establish shared goals for future zoning downtown
- (6) Achieve unified and valuable design that is feasible and flexible for developers
- (7) Achieve unified and valuable development downtown that is feasible and flexible for the City of Springfield over time
- (8) Assist in future transportation, corridor planning, and transportation demand management downtown
- (9) Promote pedestrian activity downtown
- (10) Create incentives for downtown development
- (11) Motivate a vibrant and diverse downtown economy
- (12) Encourage the construction of a vibrant and diverse downtown activity center
- (13) Inspire the community to protect historically significant structures and reuse existing structures

(d) This chapter is intended to further and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the Springfield community. This chapter is further intended to enhance and protect property values in downtown Springfield and prevent impairment and destruction of property values.

(Ord. 15-42. Passed 2-17-15.)

#### **1141.02 GENERAL REQUIREMENTS.**

All UPOD Unified Plan Overlay District new construction shall meet the following required design and development criteria for the land use district in which it is located and all new construction is encouraged to conform to the following recommended design and development criteria for the land use district in which it is located:

- (a) Downtown Mixed Use UPOD District

(1) Required

- A. Maximum Setback: 5 feet
  - i. Setback applies to all wall surfaces. Buildings can have varying "setbacks" that form entrances, atriums, urban parks, express structural elements, create special exhibit areas, planters, etc.
- B. Floor Area Ratio: 10
- C. Building Standards:
  - i. Building facades facing public streets shall incorporate a main entrance door on the street. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
  - ii. For commercial uses, at least sixty (60) percent of each building façade facing public streets shall be transparent window glass or open from a height of 3 to 9 feet (See Graphic: Window Glass and Transparency).
  - iii. For all non-single family residential uses, at least thirty (30) percent of each building façade facing public streets shall be transparent window glass or open (See Graphic: Window Glass and Transparency).
  - iv. Building façades shall be a minimum of two (2) stories [thirty (30) feet] in height from the nearest street grade. If the building does not actually have at least two (2) stories, then it shall have appropriate architectural detail to appear to have a second story. This may be accomplished by extending the façade to a height of thirty (30) feet.
  - v. Structures more than fifty (50) feet wide shall incorporate vertical elements, such as, but not limited to, windows and columns, into their façade design (See Graphic: Vertical Element).

D. Parking:

- i. Parking must be provided in rear of building. In locations where a "rear" yard fronts a street or is visible within 150 feet of a street, all parking must be screened using urban screening (See Graphic: Urban Screening). Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10 percent opacity by including, at a minimum, one masonry post once every 10 feet. The materials for screening and their placement shall comply with the requirements of Subsection 1156.01 and 1161.02(h).

- ii. Off-Street Parking is not required for individual uses.

C. Exterior Materials:

- i. Hard surfaced exterior wall materials are required for all nonresidential uses. This can include brick, parged block (at service areas, locations that might be used for wall murals), painted brick, stone and plaster/stucco.
- ii. Materials used on exterior walls and roofs shall not be more than 30 percent highly reflective glass, such as tempered or mirrored glass. Highly tinted glass or glass tinted in unnatural colors or with a highly reflective finish should be avoided.
- iii. Exterior materials may artificially simulate natural materials that they are not.
- iv. Prohibited exterior materials for all nonresidential uses include corrugated metal panels, siding, and wood used as a finish material, shall be prohibited on visible elevations. Visible elevations are those elevation visual from a public street or parking area.
- v. Exterior lighting.
- vi. Exterior building lighting shall be required for new buildings.

(2) Recommended

- A. Recommended Uses: Mixed use of consumer, restaurant, and service retail, office, institutional, medical, recreational, and residential
- B. Building Standards:
  - i. Transparent, or even open, first floor encouraged.
  - ii. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged as protection to pedestrians.
  - iii. Rooftops should include architectural rooflines, such as cornices or exterior molding (See Graphic: Roofline).
  - iv. Residential uses should include outdoor balconies.
  - v. Outdoor seating is recommended for food service uses.
  - vi. Outdoor seating must be of metal, natural stone, or brick material.
  - vii. If the outdoor seating is not firmly attached to the ground or to a building, the outdoor seating shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.
  - viii. Outdoor seating placed in the right-of-way must of de minimis impact, and be placed so as allow a minimum unobstructed right-of-way clearance of 4 feet [requires approval of Community Development Department according 902.01(c)].

C. Exterior Lighting:

- i. Ornamental or decorative lights mounted with brackets is recommended.
- ii. Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.
- iii. Down lighting should be used to reinforce circulation corridors.
- iv. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged to serve as backdrops for signage, graphics or other features that would change with time.

D. Signage:

- i. Signs should fit the character of downtown but also encourage creativity.
- ii. Externally illuminated emblem signs should be used.
- iii. Projecting signs are encouraged.
- iv. Internally illuminated signs are discouraged.

(b) Retail Mixed Use UPOD District

(1) Required

- A. Maximum Setback: 5 feet
  - i. Setback applies to all wall surfaces. Buildings can have varying "setbacks" that form entrances, atriums, urban parks, express structural elements, create special exhibit areas, planters, etc.
- B. Floor Area Ratio: 10
- C. Building Standards:
  - i. Building facades facing public streets shall incorporate a main entrance door on the street. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
  - ii. For commercial uses, at least sixty (60) percent of each building façade facing public streets shall be transparent window glass or open from a height of 3-9 feet (See Graphic: Window Glass and Transparency).
  - iii. For all non-single family residential uses, at least thirty (30) percent of each building façade facing public streets shall be transparent window glass or open (See Graphic: Window Glass and Transparency).
  - iv. Building façades shall be a minimum of two (2) stories [thirty (30) feet] in height from the nearest street grade. If the building does not actually have at least two (2) stories, then it shall have appropriate architectural detail to appear to have a second story. This may be accomplished by extending the façade to a height of thirty (30) feet.
  - v. Canopies, awnings, roof and floor overhangs, and colonnades are required for retail, services, and food uses as protection to pedestrians.
  - vi. Structures more than fifty (50) feet wide shall incorporate vertical elements, such as, but not limited to, windows and columns, into their façade design (See Graphic: Vertical Element).

- D. Parking:
  - i. Parking must be provided in rear of building. In locations where a "rear" yard fronts a street or is visible within 150 feet of a street, all parking must be screened using urban screening (See Graphic: Urban Screening). Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10% opacity by including, at a minimum, one masonry post once every 10 feet. The materials for screening and their placement shall comply with the requirements of Subsection 1156.01 and 1161.02(h).
  - ii. Off-Street Parking is not required for individual uses.

- E. Outdoor Seating:
  - i. Outdoor seating is required for food service uses.
  - ii. Outdoor seating must be of metal, natural stone, or brick material.
  - iii. If the outdoor seating is not firmly attached to the ground or to a building, the outdoor seating shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.
  - iv. Outdoor seating placed in the right-of-way must of de minimis impact, and be placed so as allow a minimum unobstructed right-of-way clearance of 4 feet [requires approval of Community Development Department according 902.01(c)].

- F. Exterior Materials:
  - i. Hard surfaced exterior wall materials are required for all nonresidential uses. This can include brick, parged block (at service areas, locations that might be used for wall murals), painted brick, stone and plaster/stucco.
  - ii. Materials used on exterior walls and roofs shall not be more than 30 percent highly reflective glass, such as tempered or mirrored glass. Highly tinted glass or glass tinted in unnatural colors or with a highly reflective finish should be avoided.
  - iii. Exterior materials may artificially simulate natural materials that they are not.
  - iv. Prohibited exterior materials for all nonresidential uses include corrugated metal panels, siding, and wood used as a finish material, shall be prohibited on visible elevations. Visible elevations are those elevation visual from a public street or parking area.

- G. Exterior lighting:
  - i. Exterior building lighting shall be required for new buildings.
  - ii. Ornamental or decorative lights mounted with brackets and emblem sign lights shall be used.
  - iii. Down lighting shall be used every 50 foot to reinforce circulation corridors.

(2) **Recommended**

- A. Recommended Uses: Consumer, restaurant, and service retail
- B. Building Standards:
  - i. Transparent, or even open, first floor encouraged.
  - ii. Rooftops should include architectural rooflines, such as cornices or exterior molding (See Graphic: Roofline).
  - iii. Residential uses should include outdoor balconies.
- C. Exterior lighting:
  - i. Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.
- D. Signage:
  - i. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged to serve as backdrops for signage, graphics or other features that would change with time.
  - ii. Signs should fit the character of downtown but also encourage creativity.
  - iii. Projecting signs are encouraged.
  - iv. Externally illuminated emblem signs are encouraged.
  - v. Internally illuminated are permitted.

(c) **Open Space**

(1) **Required**

A. Allowable Uses

- i. Green Space
- ii. Public Art
- iii. Public Recreation
- iv. Temporary structures with conditional use permit

(d) Residential Zoning OVERLAY: Design and Development Standards

(1) Required

- A. See RS-8 (Chapter 1108)

(e) Office Mixed use Zoning UPOD District

(1) Required

A. Maximum Setback: 5 feet

- (i) Setback applies to all wall surfaces. Buildings can have varying "setbacks" that form entrances, atriums, urban parks, express structural elements, create special exhibit areas, planters, etc.

B. Floor Area Ratio: 10

C. Building Standards:

- i. Building facades facing public streets shall incorporate a main entrance door on the street. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
- ii. For commercial uses, at least sixty (60) percent of each building façade facing public streets shall be transparent window glass or open from a height of 3 to 9 feet (See Graphic: Window Glass and Transparency).
- iii. For all non-single family residential uses, at least thirty (30) percent of each building façade facing public streets shall be transparent window glass or open (See Graphic: Window Glass and Transparency).
- iv. Building façades shall be a minimum of two (2) stories [thirty (30) feet] in height from the nearest street grade. If the building does not actually have at least two (2) stories, then it shall have appropriate architectural detail to appear to have a second story. This may be accomplished by extending the façade to a height of thirty (30) feet (See Graphic: Window Glass and Transparency).
- v. Structures more than fifty (50) feet wide shall incorporate vertical elements, such as, but not limited to, windows and columns, into their façade design (See Graphic: Vertical Element).

D. Parking:

- i. Parking must be provided in rear of building. In locations where a "rear" yard fronts a street or is visible within 150 feet of a street, all parking must be screened using urban screening (See Graphic: Urban Screening). Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10% opacity by including, at a minimum, one masonry post once every 10 feet. The materials for screening and their placement shall comply with the requirements of Subsections 1156.01 and 1161.02(h).
- ii. Off-Street Parking is not required for individual uses.

E. Outdoor Seating:

- i. Outdoor seating is required for food service uses.
- ii. Outdoor seating must be of metal, natural stone, or brick material.
- iii. If the outdoor seating is not firmly attached to the ground or to a building, the outdoor seating shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.
- iv. Outdoor seating placed in the right-of-way must of de minimis impact, and be placed so as allow a minimum unobstructed right-of-way clearance of 4 feet [requires approval of Community Development Department according 902.01(c)].

F. Exterior Materials:

- i. Hard surfaced exterior wall materials are required for all nonresidential uses. This can include brick, parged block (at service areas, locations that might be used for wall murals), painted brick, stone and plaster/stucco.
- ii. Materials used on exterior walls and roofs shall not be more than 30% highly reflective glass, such as tempered or mirrored glass. Highly tinted glass or glass tinted in unnatural colors or with a highly reflective finish should be avoided.
- iii. Exterior materials may artificially simulate natural materials that they are not.
- iv. Prohibited exterior materials for all nonresidential uses include corrugated metal panels, siding, and wood used as a finish material, shall be prohibited on visible elevations. Visible elevations are those elevation visual from a public street or parking area.

G. Exterior lighting:

- i. Exterior building lighting shall be required for new buildings.
- ii. Ornamental or decorative lights mounted with brackets and emblem sign lights shall be used.

(2) Recommended

A. Recommended Uses: Office, institutional, medical and employment activity center mixed uses to include consumer, restaurant, and service retail

B. Building Standards:

- i. Transparent, or even open, first floor encouraged.
- ii. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged as protection to pedestrians.
- iii. Rooftops should include architectural rooflines, such as cornices or exterior molding (See Graphic: Roofline).
- iv. Residential uses should include outdoor balconies.

C. Exterior lighting:

- i. Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.

ii. Down lighting should be used to reinforce circulation corridors.

D. Signage:

- i. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged to serve as backdrops for signage, graphics or other features that would change with time.
- ii. Signs should fit the character of downtown but also encourage creativity.
- iii. Externally illuminated emblem signs should be used.
- iv. Projecting signs are encouraged.
- v. Internally illuminated signs are discouraged.

(f) Arts And Cultural Mixed Use UPOD District

(1) Required

- A. Maximum Setback: 10 feet
  - i. Setback applies to all wall surfaces. Buildings can have varying "setbacks" that form entrances, atriums, urban parks, express structural elements, create special exhibit areas, planters, etc.
- B. Floor Area Ratio: 10
- C. Building Standards:
  - i. Building facades facing public streets shall incorporate a main entrance door on the street. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
  - ii. For commercial uses, at least sixty (60) percent of each building façade facing public streets shall be transparent window glass or open from a height of 3 to 9 feet (See Graphic: Window Glass and Transparency).
  - iii. For all non-single family residential uses, at least thirty (30) percent of each building façade facing public streets shall be transparent window glass or open.
  - iv. Building façades shall be a minimum of two (2) stories [thirty (30) feet] in height from the nearest street grade. If the building does not actually have at least two (2) stories, then it shall have appropriate architectural detail to appear to have a second story. This may be accomplished by extending the façade to a height of thirty (30) feet.
- D. Parking:
  - i. Parking must be provided in rear of building. In locations where a "rear" yard fronts a street or is visible within 150 feet of a street, all parking must be screened using urban screening (See Graphic: Urban Screening). Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10 percent opacity by including, at a minimum, one masonry post once every 10 feet. The materials for screening and their placement shall comply with the requirements of Subsection 1156.01 and 1161.02(h).
  - ii. Off-Street Parking is not required for individual uses.

E. Outdoor Seating:

- i. Outdoor seating is required for food service uses as a primary use.
- ii. Outdoor seating must be of metal, natural stone, or brick material.
- iii. If the outdoor seating is not firmly attached to the ground or to a building, the outdoor seating shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.
- iv. Outdoor seating placed in the right-of-way must of de minimis impact, and be placed so as allow a minimum unobstructed right-of-way clearance of 4 feet [requires approval of Community Development Department according 902.01(c)].
- v. Residential uses shall include outdoor balconies.
- vi. Exterior Materials:
  - vii. Hard surfaced exterior wall materials are required for all nonresidential uses. This can include brick, parged block (at service areas, locations that might be used for wall murals), painted brick, stone and plaster/stucco.
  - viii. Materials used on exterior walls and roofs shall not be more than 30 percent highly reflective glass, such as tempered or mirrored glass. Highly tinted glass or glass tinted in unnatural colors or with a highly reflective finish should be avoided.
- ix. Exterior materials may artificially simulate natural materials that they are not.
- x. Prohibited exterior materials for all nonresidential uses include corrugated metal panels, siding, and wood used as a finish material, shall be prohibited on visible elevations. Visible elevations are those elevation visual from a public street or parking area.

F. Exterior lighting:

- i. Exterior building lighting shall be required for new buildings.
- ii. Ornamental or decorative lights mounted with brackets and emblem sign lights shall be used.

(2) Recommended

- A. Recommended Uses: Mixed use of cultural, recreational, consumer, restaurant, and service retail, institutional, and residential
- B. Building Standards:
  - i. Transparent, or even open, first floor encouraged.
  - ii. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged as protection to pedestrians.
  - iii. Rooftops should include architectural rooflines, such as cornices or exterior molding (See Graphic: Roofline). The materials for screening and their placement shall comply with the requirements of Subsection 1156.01 and 1161.02(h).
- C. Exterior lighting:
  - i. Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.
  - ii. Down lighting should be used to reinforce circulation corridors.

D. Signage:

- i. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged to serve as backdrops for signage, graphics or other features that would change with time.
- ii. Signs should fit the character of downtown but also encourage creativity.
- iii. Externally illuminated emblem signs are encouraged.
- iv. Internally illuminated signs are discouraged.

(g) Transitional Downtown Mixed Use UPOD District

(1) Required

- A. Maximum Setback: 10 feet
  - i. Setback applies to all wall surfaces. Buildings can have varying "setbacks" that form entrances, atriums, urban parks, express structural elements, create special exhibit areas, planters, etc.
- B. Floor Area Ratio: 3
- C. Building Standards:
  - i. Building facades facing public streets shall incorporate a main entrance door on the street. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
  - ii. For commercial uses, at least sixty (60) percent of each building façade facing public streets shall be transparent window glass or open from a height of 3 to 9 feet (See Graphic: Window Glass and Transparency).
  - iii. For all non-single family residential uses, at least thirty (30) percent of each building façade facing public streets shall be transparent window glass or open.
  - iv. Building façades shall be a minimum of two (2) stories [twenty (20) feet] in height from the nearest street grade. If the building does not actually have at least two (2) stories, then it shall have appropriate architectural detail to appear to have a second story. This may be accomplished by extending the façade to a height of twenty (20) feet. Structures more than fifty (50) feet wide shall incorporate vertical elements, such as, but not limited to, windows and columns, into their façade design (See Graphic: Vertical Element).

D. Parking:

- i. Parking must be provided in rear of building. In locations where a "rear" yard fronts a street or is visible within 150 feet of a street, all parking must be screened using urban screening or if 1/4 mile from core block evergreen is screening permitted (See Graphic: Urban Screening). Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10 percent opacity by including, at a minimum, one masonry post once every 10 feet. The materials for screening and their placement shall comply with the requirements of Subsection 1156.01 and 1161.02(h).
- ii. Shared parking must be used wherever possible.
- iii. No off-street parking is required for nonresidential uses unless such uses exceed [3,000] square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of [3,000] square feet.

E. Exterior Materials:

- i. Hard surfaced exterior wall materials are required for all nonresidential uses. This can include brick, parged block (at service areas, locations that might be used for wall murals), painted brick, stone and plaster/stucco.
- ii. Materials used on exterior walls and roofs shall not be more than 30 percent highly reflective glass, such as tempered or mirrored glass. Highly tinted glass or glass tinted in unnatural colors or with a highly reflective finish should be avoided.
- iii. Exterior materials may artificially simulate natural materials that they are not.
- iv. Prohibited exterior materials for all nonresidential uses include corrugated metal panels, siding, and wood used as a finish material, shall be prohibited on visible elevations. Visible elevations are those elevation visual from a public street or parking area.

F. Exterior lighting:

- i. Exterior building lighting shall be required for new buildings.
- ii. Ornamental or decorative lights mounted with brackets and emblem sign lights shall be used.

(2) Recommended

- A. Recommended Uses: Mixed use of consumer, restaurant, and service retail, office, institutional, medical, recreational, and residential
- B. Building Standards:
  - i. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged as protection to pedestrians.
  - ii. Outdoor seating is encouraged for food service uses.
  - iii. Outdoor seating must be of metal, natural stone, or brick material.
  - iv. If the outdoor seating is not firmly attached to the ground or to a building, the outdoor seating shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.
  - v. Outdoor seating placed in the right-of-way must of de minimis impact, and be placed so as allow a minimum unobstructed right-of-way clearance of 4 feet [requires approval of Community Development Department according 902.01(c)].
  - vi. Residential uses should include outdoor balconies.
- C. Exterior lighting:
  - i. Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.
  - ii. Down lighting should be used to reinforce circulation corridors.
- D. Signage:

- i. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged to serve as backdrops for signage, graphics or other features that would change with time.
- ii. Signs should fit the character of downtown but also encourage creativity.
- iii. Projecting signs are encouraged.
- iv. Externally illuminated emblem signs are encouraged.
- v. Internally illuminated signs are discouraged.

(h) Transitional Retail Mixed Use UPOD District

(1) Required

- A. Maximum Setback: 10 feet
  - i. Setback applies to all wall surfaces. Buildings can have varying "setbacks" that form entrances, atriums, urban parks, express structural elements, create special exhibit areas, planters, etc.
- B. Floor Area Ratio: 3
- C. Building Standards:
  - i. Building facades facing public streets shall incorporate a main entrance door on the street. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
  - ii. For commercial uses, at least sixty (60) percent of each building façade facing public streets shall be transparent window glass or open from a height of 3 to 9 feet (See Graphic: Window Glass and Transparency).
  - iii. Building façades shall be a minimum of two (2) stories [twenty (20) feet] in height from the nearest street grade. If the building does not actually have at least two (2) stories, then it shall have appropriate architectural detail to appear to have a second story. This may be accomplished by extending the façade to a height of twenty (20) feet.
- D. Parking:
  - i. Parking must be provided in rear of building. In locations where a "rear" yard fronts a street or is visible within 150 feet of a street, all parking must be screened using urban screening or if 1/4 mile from core block evergreen is screening permitted (See Graphic: Urban Screening). Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10% opacity by including, at a minimum, one masonry post once every 10 feet. The materials for screening and their placement shall comply with the requirements of Subsection 1156.01 and 1161.02(h).
  - ii. Shared parking must be used wherever possible.
  - iii. No off-street parking is required for nonresidential uses unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 3,000 square feet.

E. Exterior Materials:

- i. Hard surfaced exterior wall materials are required for all nonresidential uses. This can include brick, parged block (at service areas, locations that might be used for wall murals), painted brick, stone and plaster/stucco.
- ii. Materials used on exterior walls and roofs shall not be more than 30% highly reflective glass, such as tempered or mirrored glass. Highly tinted glass or glass tinted in unnatural colors or with a highly reflective finish should be avoided.
- iii. Exterior materials may artificially simulate natural materials that they are not.
- iv. Prohibited exterior materials for all nonresidential uses include corrugated metal panels, siding, and wood used as a finish material, shall be prohibited on visible elevations. Visible elevations are those elevation visual from a public street or parking area.

F. Exterior lighting:

- i. Exterior building lighting shall be required for new buildings.

(2) Recommended

- A. Recommended Uses: Consumer, restaurant, and service retail
- B. Building Standards:
  - i. For all non-single family residential uses, at least thirty (30) percent of each building façade facing public streets shall be transparent window glass or open.
  - ii. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged as protection to pedestrians.
  - iii. Structures more than fifty (50) feet wide shall incorporate vertical elements, such as, but not limited to, windows and columns, into their façade design (See Graphic: Vertical Element).
  - iv. Rooftops should include architectural rooflines, such as cornices or exterior molding (See Graphic: Roofline).
  - v. Outdoor seating is encouraged for food service uses.
  - vi. Outdoor seating must be of metal, natural stone, or brick material.
  - vii. If the outdoor seating is not firmly attached to the ground or to a building, the outdoor seating shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.
  - viii. Outdoor seating placed in the right-of-way must of de minimis impact, and be placed so as allow a minimum unobstructed right-of-way clearance of 4 feet [requires approval of Community Development Department according 902.01(c)].
  - ix. Residential uses should include outdoor balconies.
- C. Exterior lighting:
  - i. Ornamental or decorative lights mounted with brackets and emblem sign lights should be used.
  - ii. Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.
  - iii. Down lighting should be used to reinforce circulation corridors.
- D. Signage:

- i. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged to serve as backdrops for signage, graphics or other features that would change with time.
- ii. Signs should fit the character of downtown but also encourage creativity.
- iii. Projecting signs are encouraged.
- iv. Externally illuminated emblem signs are encouraged.
- v. Internally illuminated signs are allowed

(i) [Transitional Office Mixed Use UPOD District](#)

(1) Required

- A. Maximum Setback: 10 feet
  - i. Setback applies to all wall surfaces. Buildings can have varying "setbacks" that form entrances, atriums, urban parks, express structural elements, create special exhibit areas, planters, etc.
- B. Floor Area Ratio: 3
- C. Building Standards:
  - i. Building facades facing public streets shall incorporate a main entrance door on the street. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
  - ii. For commercial uses, at least sixty (60) percent of each building façade facing public streets shall be transparent window glass or open from a height of 3 to 9 feet (See Graphic: Window Glass and Transparency).
  - iii. For all non-single family residential uses, at least thirty (30) percent of each building façade facing public streets shall be transparent window glass or open (See Graphic: Window Glass and Transparency).
  - iv. Building façades shall be a minimum of two (2) stories [twenty (20) feet] in height from the nearest street grade. If the building does not actually have at least two (2) stories, then it shall have appropriate architectural detail to appear to have a second story. This may be accomplished by extending the façade to a height of twenty (20) feet.
- D. Parking:
  - i. Parking must be provided in rear of building. In locations where a "rear" yard fronts a street or is visible within 150 feet of a street, all parking must be screened using urban screening or if 1/4 mile from core block evergreen is screening permitted (See Graphic: Urban Screening). Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10 percent opacity by including, at a minimum, one masonry post once every 10 feet. The materials for screening and their placement shall comply with the requirements of Subsection 1156.01 and 1161.02(h).
  - ii. Shared parking must be used wherever possible.
  - iii. No off-street parking is required for nonresidential uses unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 3,000 square feet.

E. Exterior Materials:

- i. Hard surfaced exterior wall materials are required for all nonresidential uses. This can include brick, parged block (at service areas, locations that might be used for wall murals), painted brick, stone and plaster/stucco.
- ii. Materials used on exterior walls and roofs shall not be more than 30 percent highly reflective glass, such as tempered or mirrored glass. Highly tinted glass or glass tinted in unnatural colors or with a highly reflective finish should be avoided.
- iii. Exterior materials may artificially simulate natural materials that they are not.
- iv. Prohibited exterior materials for all nonresidential uses include corrugated metal panels, siding, and wood used as a finish material, shall be prohibited on visible elevations. Visible elevations are those elevation visual from a public street or parking area.
- v. Exterior building lighting shall be required for new buildings.
- vi. Ornamental or decorative lights mounted with brackets and emblem sign lights shall be used.

(2) Recommended

- A. Recommended Uses: Office, institutional, and medical
- B. Building Standards:
  - i. Transparent, or even open, first floor encouraged.
  - ii. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged as protection to pedestrians.
  - iii. Structures more than fifty (50) feet wide shall incorporate vertical elements, such as, but not limited to, windows and columns, into their façade design (See Graphic: Vertical Element).
  - iv. Outdoor seating is encouraged for food service uses.
  - v. Outdoor seating must be of metal, natural stone, or brick material.
  - vi. If the outdoor seating is not firmly attached to the ground or to a building, the outdoor seating shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.
  - vii. Outdoor seating placed in the right-of-way must of de minimis impact, and be placed so as allow a minimum unobstructed right-of-way clearance of 4 feet [requires approval of Community Development Department according 902.01(c)].
  - viii. Residential uses should include outdoor balconies.
- C. Exterior lighting:
  - i. Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.
  - ii. Down lighting should be used to reinforce circulation corridors.
- D. Signage:
  - i. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged to serve as backdrops for signage, graphics or

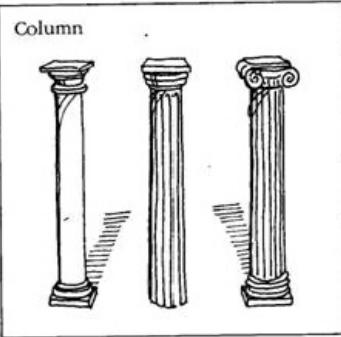
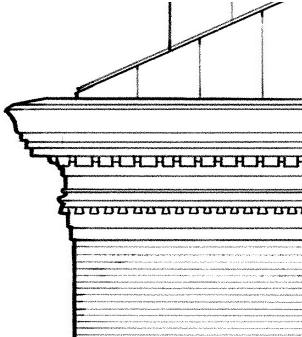
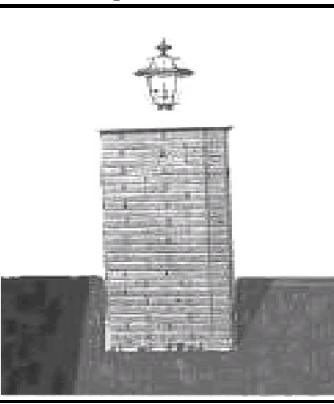
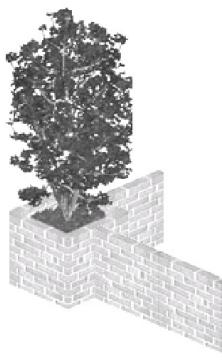
other features that would change with time.

ii. Signs should fit the character of downtown but also encourage creativity.

iii. Externally illuminated emblem signs are encouraged.

iv. Internally illuminated signs are discouraged.

(Ord. 07-130. Passed 5-15-07; Ord. 15-42. Passed 2-17-15.)

 <p>Column</p>	
Graphic: Vertical Element	Graphic: Roofline
	
Graphic: Urban Screening	Graphic: Urban Screening
	
Graphic: Urban Screening	Graphic: Urban Screening
 <p>ELEVATION</p>	Graphic: Window Glass and Transparency

## EECPOD Eastern Edge Corridor Plan Overlay District

### **1142.01 Purpose and application.**

#### **1142.02 Definitions.**

#### **1142.03 General Requirements.**

#### **1142.04 Tables and Graphics.**

#### **Maps**

#### **1142.01 PURPOSE AND APPLICATION.**

(a) This chapter is intended to implement the Eastern Edge Corridor Plan for East National Road adopted by the Springfield City Commission in Resolution 143-08. The Eastern Edge Corridor Plan creates a cohesive and interjurisdictional comprehensive land use plan for the East National Road Corridor that aims to grow contextually and geographically advantageous development, respect the history and character of the area, provide best management for transportation safety and demand by maintaining independent, through interlocking development segments from the corridor's urban core to the rural edge. The Eastern Edge Corridor Plan recommends a uniform development standard approach to land use and zoning regulation. Land uses are guided by a future land use map and physical site and building layout is determined by transect-based zoning standards. The Plan requires that all new large-scale developments along the Eastern Edge Corridor be zoned and planned as planned developments. Small-scale developments in the Corridor Plan area may be developed according to the standardized zoning.

(b) This chapter includes both required and recommended development standards. All required zoning regulations shall be complied with. Landowners are specifically encouraged to comply with recommended district uses, design standards, and economic development objectives. Provisions of this are activated by "shall" when required; "should" when recommended; and "may" when optional. Section 1142.02 contains regulatory language that is integral to this Code. Those terms not defined in section 1142.02 shall be accorded their commonly accepted meanings. Where in conflict, numerical metrics shall take precedence over graphic metrics.

(c) The policy objectives intended to be achieved by the imposition of the Eastern Edge Overlay District are to:

- (1) Provide a tool to encourage and restrict development in a manner that is consistent with Future Land Use, Corridor Plan Goals, and infrastructure capacity
- (2) Be general enough to allow some flexibility, but strong enough to influence development patterns
- (3) Maintain independent, interdependent, interlocking development segments from the corridor's urban core to the rural edge
- (4) Consider all affected jurisdictions' needs and visions
- (5) Guide and encourage contextually and geographically advantageous new development by creating intended growth sectors and providing guidance for development in each sector
- (6) Encourage and support successful development types in districts with business expansion and retention
- (7) Respect the areas' historic and natural character
- (8) Provide best management for transportation safety and demand
- (9) Develop incentives for the reuse or redevelopment of properties
- (10) Conform physical design proposals to community goals and social and economic policies

(d) **GEOGRAPHIC SCOPE:** The Geographic Scope of this Chapter is the East National Road Corridor from Spring Street in Springfield to Titus Road in Springfield Township. This Overlay divides the East National Road Corridor into four unique transect zones as outlined in Table 1: Transect Zone Geographic Description.

(e) This chapter is intended to further and protect the public health, safety, moral, convenience, comfort, prosperity, and general welfare of the Springfield community. This chapter is further intended to enhance and protect property values in downtown Springfield and prevent impairment and destruction of property values.

#### **1142.02 DEFINITIONS.**

For the purposes of this chapter the following definitions are applied herein.

- (a) (1) **Avenue (AV):** a thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.
- (b) (1) **Bicycle Lane (BL):** a dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping.  
(2) **Bicycle Route (BR):** a thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.  
(3) **Bicycle Trail (BT):** a bicycle way running independently of a vehicular thoroughfare.  
(4) **Bioswale:** an extended rain garden that may run the length of the block.  
(5) **Block Face:** the aggregate of all the building façades on one side of a block.  
(6) **Boulevard (BV):** a thoroughfare designed for high vehicular capacity and moderate speed, traversing an urbanized area. Boulevards are usually equipped with slip roads buffering sidewalks and buildings.
- (7) **Buffer:** Areas between parcels, lots, or different zoning districts set aside to mitigate visual, light or noise nuisances. May be an earthen berm or any natural material like trees or shrubs or otherwise mandated by this document or the various jurisdictions.
- (8) **Building Line:** A line defining the minimum front, side, and rear yard requirement.
- (9) **Bus Rapid Transit:** A rubber tire system with its own right-of-way or dedicated lane along at least 70% of its route providing transit service that is faster than a regular bus.
- (c) (1) **Civic:** The term defining not-for-profit organizations dedicated to art, culture, education, recreation, Government, transit, or municipal parking.  
(2) **Civic Building:** A building operated by not-for-profit organizations dedicated to art, culture, education, recreation, government,

- transit, or municipal parking.
- (3) **Civic Parking Reserve:** Parking structure or parking lot within a quarter-mile of the site that it serves.
  - (4) **Civic Space:** An outdoor area dedicated for public use.
  - (5) **Civic Zone:** Designation for public sites dedicated for civic buildings and civic space.
  - (6) **Common Yard:** A planted private frontage wherein the façade is set back from the frontage line. It is visually continuous with adjacent yards.
  - (7) **Configuration:** The form of a building based on its massing, private frontage, and height.
  - (8) **Corridor:** A lineal geographic system incorporating transportation and/or greenway trajectories.
  - (9) **Covenant:** A legally binding written promise or pledge.
  - (10) **Cross Access:** A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
- (d) (1) **Deed Restriction:** A legal restriction on the use of land contained in the deed to the property.
  - (2) **Density:** The number of dwelling units within a standard measure of land area.
  - (3) **Density, Gross:** The number of dwelling units per acre of the total land to be developed, including public ways and open space.
  - (4) **Density, Net:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
  - (5) **Development Standards:** Standards controlling the size of structures and the relationships of structures and uses to each other and to open spaces and lot lines. Development standards include but are not limited to regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage, and maximum density.
  - (6) **Disposition:** The placement of a building on its lot.
  - (e) (1) **Earth Berm:** A low, usually linear mound of earth covered with grass or other landscape materials used to define, screen, protect, and/or enhance the appearance of a particular space or area of land.
  - (2) **Effective Parking:** The amount of parking required for Mixed Use after adjustment by the shared parking factor.
  - (3) **Elevation:** An exterior wall of a building not along a frontage line.
  - (f) (1) **Final Plan:** A completed and full set of plans, drawings, data, and any and all other materials needed to evaluate and review a subdivision's conformance with local subdivision regulations and which follow the approved preliminary plan as well as conformance with other applicable regulations.
  - (2) **Frontage Road:** A public or private drive, which generally parallels a public street between the right-of-way and the front setback line. The frontage road provides access to private properties while separating them from the arterial street (see also Service Roads).
  - (g) (1) **Green:** A civic space type for unstructured recreation spatially defined by landscaping rather than building frontages.
  - (2) **Green Roof:** A roof partially or completely covered with vegetation and soil, or a growing medium planted over a waterproofing membrane. (Syn: eco-roof, living roof).
  - (3) **Greenway:** An open space corridor in largely natural conditions, which may include trails for bicycles and pedestrians.
  - (h) (1) **Highway:** A rural and suburban thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural transect zones (T-1, T-2, and T-3).
  - (2) **Highway, Limited Access:** A public freeway or expressway designed for through traffic and to which abutting properties have no legal right to direct access.
  - (3) **Homeowner's Association:** A private association, partnership, LLC, or any legal entity of homeowners established by a developer with local government approval, whose purpose it is to own, operate, and maintain various common properties, including but not limited to open space, private streets, and recreation facilities.
  - (i) (1) **Infill:** New development on land that had been previously developed.
  - (j) (1) **Joint Access (or Shared Access):** A driveway connecting two or more contiguous sites to the public street system.
  - (l) (1) **Landscaping:** Landscaping shall consist of any of the following or combination thereof: materials such as but not limited to grass, hardy ground covers, shrubs, vines, hedges, and trees; and non-living durable material commonly utilized in landscaping, such as but not limited to rocks, pebbles, sand, walls, and fences, but not including paving as a principal design element.
  - (2) **Large-scale development:** A development composed of more than 10 acres of gross project site plan land area.
  - (3) **Layer:** A range of depth of a lot within which certain elements are permitted.
  - (4) **Lot cluster:** Any single lot or a group of adjacent lots having a single uninterrupted project site plan perimeter boundary enclosing all of the lots.
  - (5) **Lot Coverage:** A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes but is not limited to all areas covered by buildings, parking structures, driveways, roads, sidewalks, and any paved areas.
  - (m) (1) **Main Civic Space:** The primary outdoor gathering place for a community. The Main Civic Space is often, but not always associated with an important civic building.
  - (2) **Mixed Use:** Multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a specified proximity.
  - (3) **Multi Modal Transportation:** Transportation, which includes at least two modes of transport, such as shipping by rail and by sea.
  - (n) (1) **Net Acreage (Aka Net Lot Area):** Net acreage is contiguous lot area which does not include: area in the existing or proposed public or private right-of-way, any area unacceptable for septic system installation, any area within a retention/detention basin, any area contained within a permanent body of water, or any area within an existing or proposed easement except those easement areas parallel and within ten (10) feet of the lot lines.
  - (p) (1) **Park:** A civic space type that is a natural preserve available for unstructured recreation.
  - (2) **Pedestrian-orientated space or feature:** An area adjacent to a connecting building or walkway developed to provide continuous safety, interest, and comfort for people walking or sitting. This may include site design features such as

a bench, light pole, trash can, and/or landscape areas on one or both sides.

- (3) **Pedestrian walkway:** Clearly defined, visible and/or identifiable pedestrian connections provided between parking lots, street sidewalks, open spaces, community facilities and buildings.

Pedestrian walkways shall be:

- a. Clearly defined, visible and identifiable
- b. Minimum width of a hard surfaced walkway shall be at least five feet.

- (4) **Preliminary Plan:** A Preliminary Master Development Plan as defined in Chapter 1140.

- (5) **Planned Development (PD):** An area zoned under Chapter 1140.

- (6) **Planter:** The element of the public frontage, which accommodates street trees or other plants whether continuous or individual.

- (7) **Plaza:** A civic space paved and spatially defined by building frontages.

- (8) **Project site plan:** A plan showing uses and structures proposed for a parcel of land.

- (9) **Project site plan land area:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established and which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

- (r) (1) **Rain Garden:** Sunken garden using native or a combination of plants.

- (2) **Record Plan:** A drawing or set of drawings of an approved final subdivision prepared for appropriate signatures and recording in the County Recorder's office and for distribution to applicable agencies.

- (3) **Rear Alley (RA):** A vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and/or containing utility easements. Rear alleys are paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.

- (4) **Rear Lane (RL):** A vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and/or containing utility easements. Rear lanes are paved lightly to driveway standards and have a streetscape which consists of gravel or landscaped edges, has no raised curb, and is drained by percolation.

- (5) **Road (RD):** A local, rural and suburban thoroughfare of low-to-moderate vehicular speed and capacity.

This type is allocated to the more rural Transect Zones (T1-T3).

- (s) (1) **Scenic:** An area presenting a view of natural and man-made elements of the visual environment with the characteristics of offering strikingly distinct and a pleasing and memorable visual experience.

- (2) **Service Road:** A public or private street or road, auxiliary to a main thoroughfare that maintains local road continuity and provides access to parcels adjacent to the limited access highway.

- (3) **Shared Parking Factor:** An accounting for parking spaces that are available to more than one function.

- (4) **Small-scale development:** A development composed of 10 acres or less of gross project site plan land area.

- (5) **Square:** A civic space designed for unstructured recreation and civic purposes spatially defined by building frontages and consisting of pedestrian walkways, lawns and trees.

- (6) **Story:** A habitable level within a building, excluding an attic or raised basement.

- (7) **Streetscape:** The appearance or view of a street.

- (8) **Street screen:** A freestanding wall or organic screen built along the frontage line, or coplanar with the façade.

- (t) (1) **T-Zone:** Transect Zone.

- (2) **Thoroughfare:** A way consisting of vehicular lanes for use by vehicular and pedestrian traffic and to provide access to lots and open spaces.

- (3) **Traffic Calming:** The combination of physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users.

- (4) **Transect:** An area containing a range of different development types. Transects define the physical form and character of a place, according to the density and intensity of its land use and urbanism.

- (v) (1) **Vernacular:** Architecture that draws more on traditional forms and functionalism, rather than on design principles or ornamentation of high-style architecture. Vernacular style features are defined in this Chapter as follows (see terminology graphics 8 through 11) :

- A. **RICHARDSONIAN ROMANESQUE:** A building of Romanesque style is a masonry structure, typically with rough-cut stonework.

- i. Distinguishing characteristics include:

- a. Required

1. Polychromatic (exhibit a variety of colors) through the use of contrasting colors of stone
2. Rough-cut stone or brick walls

- b. Recommended

1. Hipped Roof
2. Roof with cross gables
3. Tower - rounded with cone-shaped roofs
4. Wide rounded arches - low, broad "Roman" arches over arcades and doorways
5. Recessed windows - patterned masonry arches over windows
6. Columns and pilasters with spirals and leaf designs
7. Stone banding

- B. **TUDOR REVIVAL:** A building of Tudor Revival style is easily identified by its characteristic half-timbering, a decorative treatment that appears to expose structural elements.

- i. Distinguishing characteristics include:

- a. Required

1. Half-timbering - the spaces between the timbers are nogged (filled in) with stone or brick and usually stuccoed, but sometimes left exposed

2. Exterior must be a combination of brick, rubble stone, and half-timbering

- b. Recommended

1. Steeply pitched roofs with intersecting gables
  2. Dormer windows
  3. Roof with cross gables
  4. Casement windows (hinged at the sides to open outward)
  5. Double hung windows are multi-paned
  6. Slate or terra cotta tile roofs
  7. Massive, decorative brick chimneys
- C. NEOCLASSICAL REVIVAL: Neoclassical Revival style is a bold, monumental style that relies on classical design elements.
- i. Distinguishing characteristics include:
    - a. Required
      1. Use of columns, pilasters, pediments and cornices
      2. Constructed of all masonry
    - b. Recommended
      1. Cornice with dentils
      2. A pediment
      3. A portico with colossal Corinthian topped columns
      4. Palladian-style windows
      5. Keystones at the top of the arches
      6. Balustrade on the roof
      7. Brackets and fanlight over the main front door
- D. RENAISSANCE REVIVAL:
- i. Distinguishing characteristics include:
    - a. Required
      1. Smooth stone cube-like fronts
      2. Doors are centrally located and symmetry predominates
      3. Constructed of all masonry
    - b. Recommended
      1. Low-pitched hip roofs are sometimes accented with balustrades (railings) above full entablatures (decorative horizontal bands) at the roofline
      2. Carved stone window trim often varies in design from floor to floor
      3. Quoins (vertical rows of brick or stone defining the corners of buildings) and horizontal banding between floors
      4. Arched openings supported by columns
      5. Full entablatures between floors
      6. Balconies
      7. First floors of rusticated stone (stone with beveled edges, causing joints between stones to be deeply recessed)

### **1142.03 GENERAL REQUIREMENTS.**

- (a) Overall Corridor
  - (1) Land Use Regulations
    - A. Purpose and Intent: The following future land uses are established to encourage and restrict development in a manner that is consistent with long term development goals. The land use districts are to encourage compatible development that should produce infill and redevelopment in urban areas and retain natural infrastructure and visual character in rural areas.
    - B. Uses in large-scale developments should conform to the property's designated future land use as set forth in this chapter.
    - C. Uses in small-scale developments shall comply with the uses specified in the zoning district in which they are located and should conform to the property's designated future land use as set forth in this chapter.
    - D. Overall corridor requirements are applicable to all transects.
  - (2) Land Use Districts
    - A. (AOS) Agriculture and Open Space: The Agriculture and Open Space District shall consist of open space that is best suited for agricultural uses or is not suitable for development.
    - B. (MUCE) Mixed Use Conservation Edge District: This district is designated for a mix of small-scale commercial development, residential development, and open space. The district is intended to provide a development pattern that will be a transitional area from commercial to agricultural and rural residential areas. The mix of uses should include 30% contiguous open space, 30% residential, and 40% small-scale commercial. New large scale planned developments in this district shall conform to table 2, in addition to tables 3-12. New developments shall incorporate stucco, stone, and brick exterior materials and should have architectural characteristics consistent with and complimentary to historic regional commercial and office development. Each development shall employ required vernacular characteristics and a minimum of two recommended characteristics for a single vernacular style type, per Section 1142.02 (v)(1) of the definitions. New development shall provide a buffer from adjoining residential development.
    - C. (MURD) Mixed Use Research and Development: This district provides for a mix of research, product development, light production and assembly, education, hotel/conference center, subordinate small-scale commercial, and open space uses. The district is intended to provide an employment center development pattern that will be a transitional area from commercial to agricultural and rural residential areas. The mix of uses should include 40% contiguous open space and 60% developable project area. Contiguous open space shall extend along the entire frontage of US-40. New development shall provide a buffer from adjoining residential development. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.

- D. (HRRC) Highway Rural Retail Conservation Edge: This district provides for a mix of highway oriented commercial, general retail, and open space. Contiguous open space shall extend along the entire frontage of US-40. The mix of uses should include 30% contiguous open space and 70% highway oriented commercial and general retail. New development shall provide a buffer from adjoining residential and agricultural development. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.
- E. (CTC) Commercial Town Center District: This district provides for consumer commercial and shall provide a buffer from adjoining residential development. Developments shall be pedestrian-oriented cluster developments with buildings extending along the entire frontage of US-40 and rear-yard parking hidden from the corridor view. New developments shall have architectural characteristics consistent with and complimentary to historic regional commercial and office development that incorporates stucco, stone, and brick exterior materials. Each development shall employ required vernacular characteristics and a minimum of two recommended characteristics for a single vernacular style type, per Section 1142.02 (v) (1) of the definitions. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.
- F. (MUCD) Mixed Use Center District: This district provides a transition between consumer-oriented commercial development and residential development. This district provides for small-scale low-traffic commercial, professional office, and residential uses. Users are encouraged to adaptively reuse existing structures, although some new development may be permitted. New developments will follow a dense, infill development pattern. Sites are served by limited rear-yarded parking and accessed by rear yard shared drives with adjoining properties. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.
- G. (UCC) Urban Commercial Center District: This district provides for traditional small-scale consumer-oriented commercial development. New developments should follow a dense, infill development pattern. Sites are served limited rear-yard parking and accessed by rear yard shared drives with adjoining properties. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.
- H. (MSMC) Main Street Mixed Core District: This district provides for a mix of small and medium-scale commercial, recreational/entertainment, office, and residential uses. Primarily, development should be consistent with historic use, building type, and exterior of the architecture, character, and cultural heritage of the district from the historic period of 1880 to 1950. Secondarily, if the proposed new development is not consistent with historic use of the historic period of 1880 to 1950, the building type and exterior of the development should be consistent with the architecture, character, and cultural heritage of the district from the historic period of 1880 to 1950. Each development shall employ required vernacular characteristics and a minimum of two recommended characteristics for a single vernacular style type, per Section 1142.02 (v)(1) of the definitions. New development shall provide a buffer from adjoining residential development. High-density infill development is preferred in this district with limited parking to be located in the rear and accessed from rear yards. Pedestrian-oriented access is preferred and shared parking should be arranged where possible. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.
- I. (PAMC) Premier Auto Market Core District: This district provides for high-intensity and high-density automobile-oriented developments. Developments should maintain a showcase exterior and be consistent with similar surrounding automobile oriented uses in height and design. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.
- J. Residential Low Density: This district is to provide for single-family residential development. The recommended density is 1-0.2 units to the acre.
- K. Residential Medium Low Density: This district provides for single-family residential development consistent with the single-family residential character of low-density residential development in the county and township. The recommended density is 1 - 2 units to the acre. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.
- L. Residential Medium High Density: This district provides for the development of small lot single-family dwellings. The recommended density is 2 - 8 units to the acre. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.
- M. Residential High Density: The purpose of this district is to provide for the development of multi-family uses. The recommended density is 8 up to a maximum 44 units to the acre. New large scale planned developments in this district shall conform to Table 2, in addition to Tables 3-12.

(3) Large-scale Development Standards

- A. Planned Development Process
- All new large-scale developments in the Eastern Edge Corridor District shall be zoned and planned as a planned development according to Chapter 1140 of the Codified Ordinances.
  - All large-scale developments shall comply with Table 2: Land Use Land Density and Composition Standards, planned development requirements set forth in each transect, and with 1142.03 (a) (3) A. Each individual lot in large scale developments shall also comply with all relevant requirements set forth in the Overall Corridor Small-scale development standards subsection 1142.03 (a) (4) (A), and the transect specific Small-scale development standards 1142.03 (b) - (e).
  - Planned Developments shall comply with all requirements of Chapter 1140, and also include a development plan that demonstrates compliance with Tables 1-12. The development plan shall consist of one or more maps and regulating documents showing the following for each in the plan area, in compliance with the standards described in this Code:
    - Use Zones

- b. Civic Zones
- c. Thoroughfare Network
- d. Site Plan to include:
  - 1. building disposition
  - 2. building configuration
  - 3. building functiona
  - 4. parking location standards
  - 5. landscape standards
  - 6. signage standards
  - 7. drainage standards
  - 8. architectural standards
  - 9. lighting standards
  - 10. sound standards
  - 11. conveyance instrument of all cross access easements for joint use of parking or drive area (such easements shall be in effect when a reciprocal easement with the adjoining property owner is established)

**B. Civic Zones**

- i. All large scale developments shall have a minimum of one civic zone.
- a. Civic zones shall comply with Tables 2, 3, 5 and 9.
- b. Civic zones dedicated for public use shall be required for each planned development and designated on the Planned Development.
- c. Civic zones dedicated for public use shall be required for each small-scale development. Such civic zones shall include and comply with pedestrian-oriented space and feature requirements.

**C. Thoroughfares**

- i. Thoroughfares shall conform to Tables 5, 6, and 7.
- ii. For large-scale developments with multiple out lots along East National Road, access to these parcels shall be provided from a public or private internal roadway system.

**(4) Small-scale development standards**

**A. Small-scale development process**

- i. Small-scale developments in the corridor plan area shall be developed in compliance with the mandatory requirements of this chapter and the requirements of the underlying zoning district.
- ii. Small -scale developments in the corridor plan area shall comply with all relevant requirements set forth in the Overall Corridor small-scale development standards 1142.03 (a) 4 A, and the transect specific Small-scale development standards 1142.03 (b) - (e).
- iii. Building and project area site plans submitted under this code shall show the following, in compliance with the standards described in this code:
  - a. building disposition
  - b. building configuration
  - c. building function
  - d. parking location standards/pedestrian walkways
  - e. landscape and green space standards
  - f. signage standards
  - g. drainage standards
  - h. architectural standards
  - i. lighting standards
  - j. sound standards
  - k. civic zones/ pedestrian-oriented features
  - l. conveyance instrument of all cross access easements for joint use of parking or drive area (such easements shall be in effect when a reciprocal easement with the adjoining property owner is established)
- iv. Small-scale development building and project area site plans showing the plan elements listed in 1142.03 (a)(4) shall be included in the plan submitted by the developer when seeking a building permit.

**B. Civic Zones**

- i. Civic zones shall comply with Tables 2, 3, 5 and 9.
- ii. Civic zones dedicated for public use shall be required for each small-scale development. Such civic zones shall include and comply with pedestrian-oriented space and feature requirements.

**C. Lot Configuration:**

- i. The purpose and intent of lot configuration regulations is to create a lot dimension that fulfills the goals of this chapter's transect-based land use system and limited access roadway system. Lot and streets should effectively use land, protect land value, protect natural features, and safely organize traffic. Lots and streets in each district should be compatible and should have transitioning features from the urban areas to rural areas to retain natural infrastructure and visual character.
- ii. Lots shall conform to Tables 3, 4, 5 and 10.
- iii. Parcels shall be required to connect to adjoining properties to provide cross access for parking, drive ways to connect adjoining properties with public thoroughfares, and pedestrian walkways. Cross access shall be established with easements. Such easement shall be in effect when a reciprocal easement with the adjoining property owner is established.

**D. Building Configuration:**

- i. The purpose of building configuration standards is to enforce the physical and visual connection between businesses, streets, residents, and open spaces in order to create a vibrant and attractive business and streetscape

- environment in urban areas, and retain natural infrastructure and visual character in rural areas.
- ii. Building site plans shall comply with Tables 3-12.
  - iii. Landscaping, building height, building location and orientation, massing, and architectural style should reflect district characteristics.

E. Architectural:

- i. The purpose of architectural standards is to preserve, promote and enhance the historic, archeological, cultural, scenic, natural and recreational characteristics that are the intrinsic qualities of the East National Road Corridor by supporting the goals of the East National Road Corridor Plan and the Ohio Historic National Road Corridor Management Plan.
- ii. Architectural elevations shall comply with the transect specific standards in the chapter and all applicable standards in other chapters of the zoning code.

F. Screening

- i. The purpose of screening standards is to provide compatible screening of parking from streets and transition between residential neighborhoods and businesses.
- ii. Screening shall comply with the transect specific standards in the chapter and all applicable standards in other chapters of the zoning code.

G. Landscaping

- i. The purpose of landscape standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to increase the compatibility between different intensities of land uses by providing visual barriers that minimize the impacts of noise, light and glare, interrupt the barren expanse of paved parking lots, contribute to the image and appeal of the community, and enhance property values.
- ii. Landscaping, green space, and impervious surface coverage shall conform to Tables 3,5, and 9.
- iii. Landscaping and tress shall comply with the transect specific standards in the chapter and all applicable standards in other chapters of the zoning code.

H. Lighting

- i. The purpose of lighting standards is to establish lighting compatible with the development as well as the surrounding area and streetscape, to promote pedestrian and vehicular safety, and to improve the aesthetic appearance of public and private streetlights.
- ii. Lighting intensity shall conform to Table 12.
- iii. Lighting type shall conform to Graphic 1
- iv. Lighting shall comply with the transect specific standards in the chapter and all applicable standards in other chapters of the zoning code.

I. Sound

- i. The purpose of sound standards is to establish sound levels compatible with the development as well as the surrounding area.
- ii. Sound intensity shall conform to Table 8.

J. Signage

- i. Signs shall comply with the transect specific standards in the chapter and all applicable standards in other chapters of the zoning code.

K. Parking Location and Drive

- i. The purpose of parking and drive standards is to minimize the impact of parking and drive facilities by treating them in a manner that does not dominate the main structures or pedestrian realm, maintain the viability of the businesses, maximize lot connectivity within a limited access roadway system, and promote public safety.
- ii. Parcels shall be required to connect to adjoining properties to provide cross access for parking, drive ways to connect adjoining properties with public thoroughfares and pedestrian walkways. Cross access shall be established with easements. Such easement shall be in effect when a reciprocal easement with the adjoining property owner is established.
- iii. Parking shall comply with Table 4, 5, and 6.
- iv. Private and public drives shall comply with Tables 5-7.
- v. Parking should be accessed by rear drives, alleys or streets.
- vi. Shared parking shall be used wherever possible.
- vii. Facilities to accommodate mass transit should be utilized where mass transit is available to the site.
- viii. Structured parking shall be located in the rear yard and conform to development standards specified in the chapter.

L. Natural Drainage

- i. Trees should be planted below the grade of the sidewalk and the street in structural cells with sufficient root space. Trees shall comply with the city's approved tree List.
- ii. Green walls, if provided, should be restricted native species.
- iii. Native plant perennial landscapes should replace turf grass wherever possible and be highly diverse. These should be placed lower than walkways, not mounded up.
- iv. Planter boxes should be bottomless, flow-through boxes with native plants, placed next to buildings and designed to capture building runoff. They may be placed in courtyards or adjacent sidewalks with runoff sent to them via French drains or hidden pipes.

5. Off Site Improvements

A. ROW Improvements: Public Frontages

- i. Public frontages should conform to Tables 4, 5, 6, 7, 10 and 11.
- ii. Within the public frontages, the prescribed types of planting and lighting should comply with the Chapter 1158 approved tree list and Tables 5, 10, 11, and 12. The spacing may be adjusted to accommodate specific site

conditions.

iii. Right-of-Way width of 40 feet or less shall be exempt from the tree requirement in Chapter 1158.

B. Thoroughfare standards

i. Roadway standards should comply with Tables 5, 6, and 7.

ii. Thoroughfares should be designed in context with land use and the transect zones through which they pass.

iii. All thoroughfares should terminate at other thoroughfares, forming a network. Internal drives shall connect to those on adjacent sites at cross access easement connections in all cases in which it is possible or necessary for traffic and access management.

(b) Urban Old Town: Transect 6

(1) Large-scale development standards

A. Civic Zones

i. Each planned development shall include a privately maintained pedestrian accessible green or urban civic space according to Tables 2, 3, 5, and 9.

ii. Civic spaces shall be designed as described in Tables 5 and 9.

(2) Small-scale development standards

A. Civic Zones

i. Civic spaces shall be designed as described in Tables 3, 5 and 9.

ii. Each small-scale development shall contain at least one pedestrian-orientated feature along its main street frontage, at a minimum one feature every 100 feet of frontage.

B. Lot configuration

i. Lots shall be accessed from the rear yard whenever possible.

C. Building Configuration

i. The placement of new buildings in urban settings should be consistent with existing structures in order to maintain the "building wall" that defines the road in these settings.

ii. Buildings shall be oriented to face public streets, open spaces or plazas. Buildings may not be located in the rear yard of lots, see Graphic 2: Prohibited rear yard building configuration, and Graphic 3: Required front yard building configuration.

iii. Solid, blank façades and service areas shall be oriented away from public streets.

iv. The principal entrance shall be on a frontage line.

v. Façades facing public streets or public spaces should have physical or visual connections with such streets or spaces by having a combination of prominent primary or secondary entrances, display windows, and transparent façades.

D. Architectural

i. Each development shall employ required vernacular characteristics and a minimum of two recommended characteristics for a single vernacular style type, per Section 1142.02 (v)(1) of the definitions.

ii. Building façades facing public streets shall incorporate a main entrance door on the street. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

iii. For commercial uses, at least sixty (60) percent of each building façade facing public streets shall be transparent window glass or open from a height of 3 feet from the ground to 9 feet from the ground.

iv. For all non-single family residential uses, at least thirty (30) percent of each building façade facing public streets shall be transparent window glass or open.

v. Building façades shall be a minimum of two (2) stories [twenty (20) feet] in height from the nearest street grade. If the building does not actually have at least two (2) stories, then it shall have appropriate architectural detail to appear to have a second story. This may be accomplished by extending the façade to a height of twenty (20) feet.

vi. Hard surfaced exterior wall materials are required for all nonresidential uses. This can include brick, parged block (at service areas, locations that might be used for wall murals), painted brick, stone or plaster/stucco.

vii. Materials used on exterior walls and roofs should not be more than 30% highly reflective glass, such as tempered or mirrored glass. Highly tinted glass or glass tinted in unnatural colors or with a highly reflective finish should be avoided.

viii. Exterior materials may artificially simulate natural materials.

ix. Prohibited exterior materials on visible elevations for all nonresidential uses include corrugated metal panels, siding, and wood used as a finish material. Visible elevations are those elevations visible from a public street or parking area.

x. Canopies, awnings, roof and floor overhangs, and colonnades are encouraged as protection to pedestrians.

xi. Rooftops should include architectural rooflines, such as cornices or exterior molding.

xii. Residential uses should include outdoor balconies.

xiii. Outdoor seating is recommended for food service uses. Outdoor seating shall be of metal, natural stone, or brick material. If the outdoor seating is not firmly attached to the ground or to a building, the outdoor seating shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.

xiv. The height of new buildings should be compatible with existing adjacent structures. New buildings should have the same number of floors and be within 10% of the average height of adjacent buildings as viewed from the street.

xv. Rear entrances should be established from rear parking areas.

xvi. Fences visible from the street shall not be chain link or slatted chain link.

**E. Screening**

- i. In locations where a rear yard fronts a street or is visible within 150 feet of a street, all parking shall be screened using urban screening. Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10% opacity by including, at a minimum, one masonry post once every 10 feet (See Graphic 6: Urban Screening).
- ii. Use of wall and fence materials such as chain link, vinyl, and concrete block is prohibited.
- iii. All dumpsters, exterior storage areas, service yards, and ground mounted mechanical/electrical equipment shall be screened from view with evergreen, masonry, walls, or similar materials.

**F. Landscaping**

- i. Trees shall not be required along the frontage.
- ii. The front yard may be paved to match the pavement of the public frontage.
- iii. Planter boxes and hanging plants are encouraged.

**G. Lighting**

- i. Lighting shall serve to illuminate façades, accentuate entrances and signage, and provide an adequate level of personal security in parking areas.
- ii. All lighting used to illuminate parking areas and signage shall be shielded to avoid off-site spillage of light to adjacent properties according to Graphic 1: Cut-off light fixtures.
- iii. Exterior building lighting shall be required for new buildings, according to one light every 40 feet.
- iv. Exterior lighting and site furniture should be architecturally integrated with the building's style, material, and color.
- v. Down lighting shall be used along pedestrian walkways and along building façades facing the street. One light shall be placed every 40 feet along pedestrian walkways and building façades facing the street.

**H. Signage**

- i. There shall be no signage permitted additional to that specified in this section. Sign size and location shall comply with Chapter 1155.
- ii. The number of signs shall be limited to one building-mounted wall sign. In addition, one ground-mounted free standing or monument sign may be permitted if the building has an existing front yard with a minimum depth of 20 feet.
- iii. Signs in urban areas should compliment the building to which it is attached and be harmonious with the other signage in the district.
- vi. Signage shall be externally illuminated, except that signage appearing through shopfront glazing may be neon lit.
- v. Signs fitting the character of downtown should be used.
- vi. Projecting signs should be used.

**I. Parking Location and Drive**

- i. Parking shall be provided in the rear or side of the building. In locations where a rear or side yard fronts a street or is visible within 150 feet of a street, parking shall be screened using urban screening (see Graphic 6: Urban Screening). Urban screening shall consist of a natural stone or brick material and iron or similar material. Urban screening shall consist of a minimum of 10% opacity by including, at a minimum, one masonry post once every 10 feet.
- ii. When access to parking is required from the main street, no more than one access point shall be permitted. Shared access points for multiple property owners are strongly encouraged.
- iii. Parking shall be accessed by rear alleys or lanes when such are available.
- iv. Safe, lighted, and clearly identified pedestrian exits from all parking lots, garages, and parking structures shall be directly to a frontage line and to a building, see Graphic 5: Walkway connecting the sidewalk and parking lot with the building.
- v. Parking lots shall be lighted so that no parking space is more than 60 feet from a light pole.
- vi. A minimum of one bicycle rack place shall be provided within the public or private frontage for every ten vehicular parking spaces.

**(c) Urban Commercial Corridor: Transect 5**

**(1) Large-scale development standards**

- a. Civic zones:
  - i. Each planned development shall include a privately maintained green or urban civic space according to Tables 2, 3, 5 and 9 that is pedestrian accessible.
  - ii. Each pedestrian walkway shall contain at least one pedestrian-orientated feature every 100 feet.

**(2) Small-scale development standards**

- A. Civic Zones
  - i. Civic spaces shall be designed as described in Tables 3, 5 and 9.
  - ii. Each small-scale development shall contain at least one pedestrian-orientated feature along its pedestrian walkway. Each pedestrian walkway shall contain at least one pedestrian-orientated feature every 60 feet.

B. Lot configuration

- i. Lots should be similar in dimension (length and width) to adjoining lots, according to Tables 5 and 11.

C. Building Configuration

- i. Buildings shall be oriented to face public streets, open spaces or plazas. Buildings may not be located in the rear yard of lots, see Graphic 2: Prohibited rear yard building configuration, and Graphic 3: Required front yard building configuration.
- ii. Solid, blank façades and service areas shall be oriented away from public streets.
- iii. An entrance and window shall be oriented to face the public street.
- iv. Façades facing public streets or public spaces shall have physical or visual connections with such streets or spaces by having

a combination of primary or secondary entrances, display windows, or transparent façades.

D. Architecturala

- i. The exterior finish material on all non-residential façades shall be limited to brick, cementitious siding and/or stucco.
- ii. Streetscreens should be constructed of a material matching the adjacent building or screening façade.
- iii. Doors and windows that operate as sliders are prohibited along frontages.

E. Screening

- i. Parking areas that front a road shall be screened with a minimum 4-foot high combination of hedge and masonry wall or stone element. Each stone element shall be a minimum of 3-feet high and no more than 4-feet high, and a minimum of 1-foot wide. Stone elements do not have a maximum width. Stone elements may assume a variety of structures - including boulders, pillars, columns, stone, or similar man-made or natural creations. Masonry walls and columns shall consist of a uniform brick or stone material. Artificial stone or brick screening materials may simulate natural materials. Screening shall consist of a minimum of 100 percent opacity to the three-foot height (see Graphic 7: Stone and hedge screening).
- ii. If masonry wall or vernacular stone elements are included in streetscapes, screening shall include, at a minimum, one masonry column or stone element every a) 10 feet for lots less than 100 feet in frontage, b) 15 feet for lots with more than 100 feet but less than 200 feet in frontage, or c) 20 feet for lots with more than 200 feet in frontage.
- iii. Masonry wall or vernacular stone elements in streetscreens shall be constructed of a uniform material along all contiguous small-scale development street frontages.
- iv. Streetscreens should be constructed of a material complementary to the adjacent building façades.
- v. The use of wall and fence materials such as chain link, vinyl, and concrete block is prohibited.
- vi. All dumpsters, exterior storage areas, service yards, and groundmounted mechanical/electrical equipment shall be screened from view with evergreen plant material, simple wood fences, or masonry walls.

F. Lighting

- i. All lighting used to illuminate parking areas and signage shall be shielded to avoid off-site spillage of light to adjacent properties according to Graphic 1: Cut-off light fixtures.
- ii. Down lighting shall be used to reinforce pedestrian walkways and along building façades facing the street. One light shall be placed every 40 feet along pedestrian walkways and building façades facing the street.

G. Signage

- i. There shall be no signage permitted additional to that specified in this section. Sign size and location shall comply with Chapter 1155.
- ii. The number of signs shall be limited to one building-mounted wall sign along with one ground-mounted free standing or monument sign.
- iii. Wall signs should be lit by inconspicuous building-mounted fixtures with a concealed light source, except as provided in subsection (v) below.
- iv. Monument signs should be up-lit from a ground-mounted fixture with a concealed light source.
- v. Internally illuminated sign cabinets are permitted if the cabinet is opaque with only the sign text illuminated.
- vi. Monument signs shall be composed of hard surfaced exterior materials. This can include brick, parged block (at service areas, locations that might be used for wall murals), painted brick, stone or plaster/stucco.
- vii. Signage shall be externally illuminated, except that signage appearing through the shopfront glazing may be neon lit and except as provided in subsection (v).

H. Parking Location and Drive

- i. Parking shall be provided in the side or rear of a building. In locations where a rear or side yard fronts a street or is visible within 150 feet of a street, parking in the rear or side yard shall be screened. Parking areas that front a road shall be screened with a minimum 4' high combination of hedge and/or masonry wall or stone element (see Graphic 7: Stone and hedge screening).
- ii. The number of vehicular access points (or driveways) in commercial main street areas shall be minimized to avoid conflicts with other vehicles and with pedestrians along the urban street frontage.
- iii. Access to parking areas from rear or side yards shall be provided. Adjoining parking lots shall connect by means of cross access easements, whenever possible.
- iv. When access to parking is required from the main street, no more than one access point shall be permitted. Shared access points for multiple property owners are strongly encouraged.
- v. Safe, lighted, and clearly identified pedestrian walkways from all parking lots, garages, and parking structures shall be provided directly to a frontage line and to a building (see Graphic 5: Walkway connecting the sidewalk and parking lot with the building).
- vi. Parking lots shall be lighted so that no parking space is more than 60 feet from a light pole.
- vii. A minimum of one bicycle rack place shall be provided within the public or private frontage for every 25 vehicular parking spaces.

(d) Suburban Fringe: Transect 4

(1) Large-scale development standards

A. Civic Zones

- i. Each planned development shall include a privately maintained pedestrian accessible green or urban civic space according to Tables 2, 3, 5 and 9.
- ii. Each pedestrian walkway shall contain at least one pedestrian-orientated space every 100 feet.

(2) Small-scale development standards

A. Civic zone

- i. Civic spaces shall be designed as described in Tables 3, 5 and 9.
- ii. Each small-scale development shall contain at least one pedestrian-orientated feature along its pedestrian walkway. Each pedestrian walkway shall contain at least one pedestrian-orientated feature every 60 feet.

#### B. Lot configuration

- i. Lots shall be clustered within the development such that smaller lots are clustered along East National Road and larger lots are placed the greatest distances from East National Road. Smaller out-lots shall be placed along the road frontage to visually mitigate the large parking area to serve the retail center.
- ii. A landscaped setback shall be provided between the road and the out-lot buildings.
- iii. Smaller lots shall be clustered along East National Road and shall front public or private internal drives established by easement for the benefit of all property owners within the development and shall connect to cross access easements proving ingress and egress to abutting properties. Easements shall be provided for private internal drives.
- iv. All lots shall connect with a public or private internal drive network established by easement for the benefit of all property owners within the development and shall connect to cross access easements proving ingress and egress to abutting properties that also shall include pedestrian walks, and may include on public or private on street parking spaces. Documented easements shall be provided for private drives. Easements shall be provided for private internal drives.

#### C. Building Configuration

- i. Buildings shall be oriented to face public streets, civic spaces or plazas. Buildings may not be located in the rear yard of lots, see Graphic 2: Prohibited rear yard building configuration, and Graphic 3: Required front yard building configuration.
- ii. Façades facing public streets or civic spaces shall have physical or visual connection with such streets or spaces by having a combination of primary or secondary entrances, display windows, and transparent façades.
- iii. In large scale developments, smaller out-lot buildings shall be placed along the road frontage to visually mitigate the large parking area to serve the retail center. Lots sharing a lot line with East National Road shall treat the yard facing the frontage with East National Road as the front yard.
- iv. In large scale developments, buildings shall be clustered along East National Road and shall have ingress/egress on internal drives.
- v. In large scale developments, buildings shall be clustered within the development such that no more than 50% of a development's overall building square footage is developed in physical or structural contiguity.
- vi. In large scale and small scale developments, paved parking areas shall be clustered within the development such that no more than 33% of a development's overall parking square footage is developed in physical contiguity. Parking area clusters shall be separated by buildings, civic spaces with pedestrian features, or drives with on-street parking and pedestrian walkways on each side.
- vii. Safe, lighted, and clearly identified pedestrian walkways shall connect all buildings and all parking areas (see Graphic 2).

#### D. Architectural

- i. Vernacular building materials such as brick, stucco and stone shall be used in all new construction. New construction should reflect some of the basic detailing of adjacent original structures such as window and door sizes, cornice lines, and brick or stone patterning and accents. Each development shall employ required vernacular characteristics and a minimum of two recommended characteristics for a single vernacular style type, per Section 1142.02 (v)(1) of the definitions.
- ii. The exterior finish material on all non-residential façades shall be limited to brick, cementitious siding and/or stucco.
- iii. Adjoining buildings and tenant spaces shall appear to be independent structures with the use of staggered building façades, varied exterior materials, and varied rooflines or cornices for each tenant space.
- iv. Street screens should be constructed of a material matching the adjacent building façade.
- v. Street screens shall have openings no larger than necessary to allow automobile and pedestrian access.
- vi. Parking structures shall be in the rear yard.

#### E. Screening

- i. Parking areas that front a road shall be screened with a minimum 4' high combination of hedge and masonry wall or stone element. Each stone element shall be a minimum of 3 feet high and no more than 4 feet high, and a minimum of 1 foot wide. Stone elements do not have a maximum width. Stone elements may assume a variety of structures - including boulders, pillars, columns, stone, or similar man-made or natural creations. Masonry walls and columns shall consist of a uniform brick or stone material. Artificial stone or brick screening materials may simulate natural materials. Screening shall consist of a minimum of 100% opacity to the three foot height (see Graphic 7: Stone and hedge screening).
- ii. If masonry wall or vernacular stone elements are included in streetscapes, screening shall include, at a minimum, one masonry column or stone element every a) 10 feet for lots less than 100 feet in frontage, b) 15 feet for lots with more than 100 feet but less than 200 feet in frontage, or c) 20 feet for lots with more than 200 feet in frontage.
- iii. Masonry wall or vernacular stone elements in streetscreens shall be constructed of a uniform material along all contiguous small-scale development street frontages.
- iv. Streetscreens should be constructed of a material complementary to the adjacent building façades.
- v. The use of wall and fence materials such as chain link, vinyl, and concrete block is prohibited.
- vi. All dumpsters, exterior storage areas, service yards, and groundmounted mechanical/electrical equipment shall be screened from view with evergreen plant material, simple wood fences, or masonry walls.

#### F. Lighting

- i. All lighting used to illuminate parking areas and signage shall be shielded to avoid off-site spillage of light to adjacent properties according to Graphic 1: Cut-off light fixtures.

- ii. Down lighting shall be used to reinforce pedestrian walkways and along building façades facing the street. One light shall be placed every 60 feet along pedestrian walkways and building façades facing the street.

G. Signage

- i. There shall be no signage permitted additional to that specified in this section. Sign size and location shall comply with Chapter 1155.
- ii. The number of signs shall be limited to one building-mounted wall sign for each business and one ground-mounted monument sign for each building.
- iii. In addition, one overall development monument sign may be permitted for each planned development.
- iv. Wall signs should be lit by inconspicuous building-mounted fixtures with a concealed light source.
- v. Monument signs should be up-lit from a ground-mounted fixture with a concealed light source, except as provided in subsection (v).
- vi. Internally illuminated sign cabinets are permitted if the cabinet is opaque with only the sign text illuminated.
- vii. Monument signs shall be composed of hard surfaced exterior materials for all uses. This can include brick, parged block, painted brick, stone, or plaster/stucco.
- viii. Signage shall be externally illuminated, except that signage appearing through the shopfront glazing may be neon lit and except as provided in subsection (v).

H. Parking Location and Drive

- i. In large and small scale developments, parking areas shall be clustered within the development such that no more than 33% of a development's overall parking square footage is developed in physical contiguity. Parking area clusters shall be separated by buildings, civic spaces with pedestrian features, or drives with on-street parking and pedestrian walkways on each side.
- ii. Parking shall be provided in the side or rear of a building. In locations where a rear or side yard fronts a street or is visible within 150 feet of a street, parking in the rear or side yard shall be screened. Parking areas that front a road shall be screened with a minimum 4' high combination of hedge and/or masonry wall or stone element (see Graphic 7: Stone and hedge screening).
- iii. Parking areas shall be provided in rear or side yards. All rear and side yard adjoining parking lots shall connect.
- iv. Safe, lighted, and clearly identified pedestrian walkways from all parking lots, garages, and parking structures shall be provided directly to each building, (see Graphic 5: Walkway connecting the sidewalk and parking lot with the building).
- v. When access to parking is required from the main street, no more than one access point shall be permitted. Shared access points for multiple property owners are strongly encouraged.
- vi. For large developments with multiple out lots along East National Road, access to these parcels shall be provided from an internal roadway system.
- vii. When access is provided from an internal roadway system, stacking distances for traffic entering and exiting large developments shall be provided in order to minimize conflicts and backups onto the road.
- viii. Parking lots shall be lighted so that no parking space is more than 60 feet from a light pole.
- ix. A minimum of one bicycle rack place shall be provided within the development for every fifty vehicular parking spaces.
- x. All parking lots and parking structures shall be located at the rear or side yard.

(e) Rural Research Park: Transect 3

(1) Large-scale development standards

A. Civic Zones

- i. Each planned development shall include privately maintained pedestrian accessible green or urban civic space according to Tables 2, 3, and 5.
- ii. Each planned development shall assign at least 15% of its area to civic space.
- iii. Each planned development shall include pedestrian features in the civic space.

(2) Small-scale development standards

A. Civic zone

- i. Civic spaces shall be designed as described in Tables 3, 5 and 9.
- ii. Each small-scale development shall contain at least one pedestrian-orientated feature along its pedestrian walkways. Each pedestrian walkway shall contain at least one pedestrian-orientated feature every 60 feet.

B. Lot configuration

- i. In large-scale developments, lots shall be clustered within the development such that the largest lots are clustered along East National Road and smaller lots are placed the greatest distances from East National Road. Larger out-lots shall be placed along the road frontage to visually mitigate the density and intensity of smaller lots in the development.
- ii. Lot entrances shall be immediately evidenced from streets.
- iii. Second entrances should directly access parking.

- iv. Larger lots shall be clustered along East National Road and shall have ingress and egress for internal drives.
- v. All lots shall connect with a public or private internal drive network established by easement for the benefit of all property owners within the development and shall connect to cross access easements proving ingress and egress to abutting properties that also shall include pedestrian walks, and may include on public or private on street parking spaces. Documented easements shall be provided for private drives. Easements shall be provided for private internal drives.

C. Building Configuration

- i. One principal building at the frontage, and one outbuilding to the rear of the building may be built on each lot.
- ii. New structures shall be oriented so that the front door of the structure is not visible from East National Road.
- iii. Larger out-lot buildings shall be placed along the road frontage and provide a green setback between the road and the out-lot

buildings.

- iv. Safe, lighted, and clearly identified pedestrian walkways shall connect all buildings and all parking areas (see Graphic 2).
- D. Architectural
- i. The exterior finish material is limited to brick, stone, cementitious siding and/or stucco.
  - ii. Windows above the first story shall not exceed 50% of the total building wall area with each floor of every story's façade being calculated independently.
- E. Screening
- i. Parking areas that front a road shall be screened with a minimum 4' high combination of hedge and masonry wall or stone element. Each stone element shall be a minimum of 3 feet high and no more than 4 feet high, and a minimum of 1 foot wide. Stone elements do not have a maximum width. Stone elements may assume a variety of structures - including boulders, pillars, columns, stone, or similar man-made or natural creations. Masonry walls and columns shall consist of a uniform brick or stone material. Artificial stone or brick screening materials may simulate natural materials. Screening shall consist of a minimum of 100% opacity to the three foot height (see Graphic 7: Stone and hedge screening).
  - ii. If masonry wall or vernacular stone elements are included in streetscapes, screening shall include at a minimum, one masonry column or stone element every (a) 10 feet for lots less than 100 feet in frontage, (b) 20 feet for lots with more than 100 feet but less than 200 feet in frontage, or (c) 30 feet for lots with more than 200 feet in frontage.
  - iii. Masonry wall or vernacular stone elements in streetscreens shall be constructed of a uniform material along all contiguous small-scale development street frontages.
  - iv. Streetscreens should be constructed of a material complementary to the adjacent building façades.
  - v. The use of wall and fence materials such as chain link, vinyl, and concrete block is prohibited.
  - vi. All dumpsters, exterior storage areas, service yards, and groundmounted mechanical/electrical equipment shall be screened from view with evergreen plant material, simple wood fences, or masonry walls.

F. Landscaping

- i. The front yard shall not be paved, with the exception of driveways.
- ii. Native prairie grass should be used in all open spaces.
- iii. Trees shall be of multiple species.
- iv. Trees may be naturalistically clustered.

G. Lighting

- i. Safe, lighted, and clearly identified pedestrian walkways shall connect all buildings and all parking areas.
- ii. Underground electric service is recommended for all site lighting.
- iii. All lighting used to illuminate parking areas and signage shall be shielded to avoid off-site spillage of light to adjacent properties according to Graphic 1: Cut-off light fixtures.

H. Signage

- i. There shall be no signage permitted additional to that specified in this section. Sign size and location shall comply with Chapter 1155.
- ii. The number of signs shall be limited to one building-mounted wall sign for each business, and one ground-mounted monument sign for each building.
- iii. In addition, one overall development monument sign may be permitted for each planned development.
- iv. Wall signs should be lit by inconspicuous building-mounted fixtures with a concealed light source.
- v. Monument signs should be up-lit from a ground-mounted fixture with a concealed light source.
- vi. Internally illuminated sign cabinets may be appropriate, if the cabinet is opaque with only the sign text illuminated.
- vii. Monument signs shall be composed of hard surfaced exterior materials for all uses. This can include brick, parged block, painted brick, stone, or plaster/stucco.
- viii. Directional signs shall be setback 100 feet from the right of way.

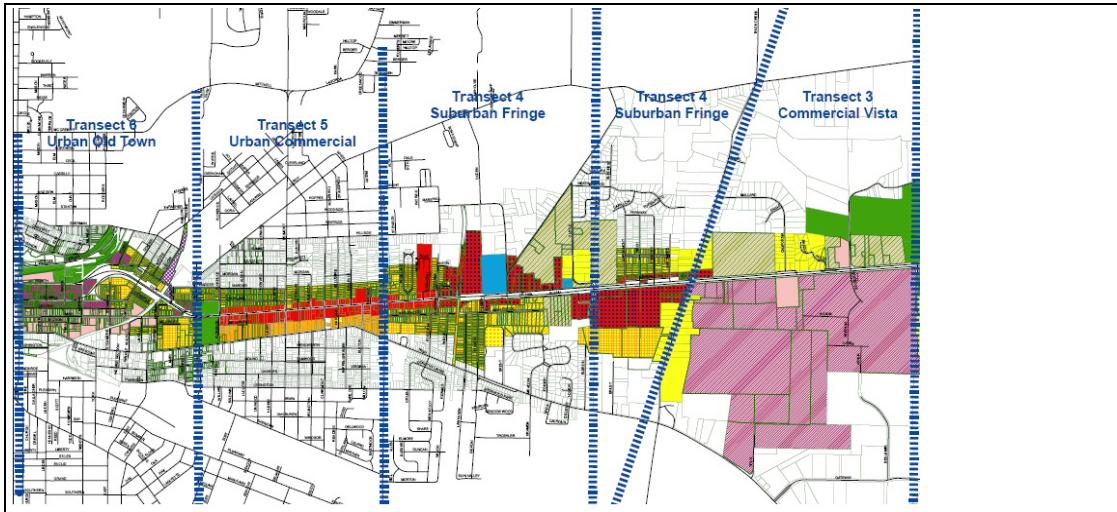
I. Parking Location and Drive

- i. Whenever possible, parking shall be in the rear or side lot of a building.
- ii. Parking shall be provided in the side or rear of a building. In locations where a rear or side yard fronts a street or is visible within 150 feet of a street, parking in the rear or side yard shall be screened. Parking areas that front a road shall be screened with a minimum 4' high combination of hedge and/or masonry wall or stone element.
- iii. Safe, lighted, and clearly identified pedestrian walkways shall connect all buildings and all parking areas (see Graphic 2).

#### 1142.04 TABLES AND GRAPHICS.

**Table 1: Transect Zone Geographic Description**

Geographic segment of East National Road Corridor Study Area	Segment Title	Transect zone
Spring St. to Greenmount St.	Urban Old Town	Transect 6 (T6)
Greenmount St. to Burnett Rd.	Urban Commercial Corridor	Transect 5 (T5)
Burnett Rd. to Bird Rd.	Suburban Fringe	Transect 4 (T4)
Bird Rd. to Titus Rd.	Rural Research Park	Transect 3 (T3)



**Table 2: Land Use Large Scale Planned Development Density and Composition Standards:**

All percentages are gross areas as a percentage of gross development plan land area, to be measured in square feet.

Land Use District	Maximum Gross Office Floor Area	Maximum Gross R&D Floor Area	Maximum Gross Commercial Floor Area	Maximum Gross Residential Floor Area	Maximum Gross Parking and Drive Area	Expected Gross Right of Way Area	Minimum Gross Civic Open Space Area
Main Street Mixed Core	25%	0%	25%	10%	20%	10%	10%
Premier Auto Market Core	10%	0%	10%	0%	60%	10%	10%
Urban Commercial Center	10%	0%	25%	0%	40%	10%	15%
Mixed Use Center	30%	0%	10%	10%	10%	20%	20%
Commercial Town Center	0%	0%	20%	0%	35%	20%	25%
Mixed-Use Conservation Edge	0%	0%	15%	30%	20%	20%	30%
Mixed Use R&D Commercial Edge	0%	10%	0%	0%	30%	20%	40%
Highway Rural Retail Edge	0%	0%	15%	0%	25%	20%	40%

**Table 3: Land Use Small Scale Development Density Composition Standards:**

All percentages are gross areas as a percentage of gross project site plan area, to be measured in square feet.

Land Use District	Maximum Gross Building Floor Area	Maximum Gross Parking and Drive Area	Minimum Gross Civic Open Space Area
Main Street Mixed Core	85%	10%	5%
Premier Auto Market Core	80%	60%	10%
Urban Commercial Center	50%	50%	10%
Mixed Use Center	40%	50%	15%
Commercial Town Center	40%	50%	20%
Mixed Use Conservation Edge	40%	40%	20%
Mixed Use R&D Commercial Edge	35%	60%	15%
Highway Rural Retail Edge	25%	50%	30%

**Table 4: Land Use Building and Parking Standards**

District	Minimum Building Front Setback	Minimum Parking Front Setback	Minimum Building and Parking Side and Rear Setback	Maximum Front Setback	Minimum Height	Maximum Height	Minimum On-site Parking Space per Square Foot	Maximum On-site Parking Space per Square Foot
Main Street Mixed Core	0 Feet	Not Applicable	0 Feet	10 Feet	20 Feet	50 Feet	Not Applicable	1 /500 SF

Premier Auto Market Core	0 Feet	5 Feet	0 Feet	45 Feet	20 Feet	45 Feet	Not Applicable	Not Applicable
Urban Commercial Center	0 Feet	20 Feet	0 Feet	20 Feet	15 Feet	35 Feet	1 /350 SF	1 /200 SF
Mixed Use Center	0 Feet	20 Feet	5 Feet	20 Feet	15 Feet	35 Feet	1/350 SF	1 /200 SF
Commercial Town Center	10 Feet	20 Feet	5 Feet	45 Feet	15 Feet	45 Feet	1/400 SF	1 /230 SF
Mixed Use Conservation Edge	Not Applicable	Not Applicable	5 Feet	25 Feet	15 Feet	35 Feet	1/400 SF	1 /230 SF
Mixed Use R&D Commercial Edge	100 Feet	100 Feet	15 Feet	Not Applicable	25 Feet	75 Feet	1/400 SF	1 /200 SF
Highway Rural Retail Edge	100 Feet	100 Feet	15 Feet	Not Applicable	15 Feet	35 Feet	1/400 SF	1 /200 SF

**Table 5: Transect Land Development Regulations**

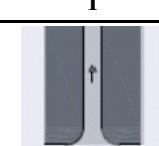
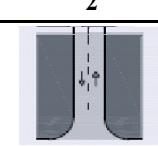
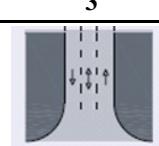
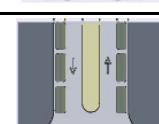
	RURAL T1 VISTA	PIKE T2 TOWN	RURAL RESEARCH PARK T3	SUBURBAN FRINGE T4	URBAN COMMERCIAL CORRIDOR T5	URBAN OLD TOWN T6
<b>a. BASE RESIDENTIAL DENSITY</b>						
By Right	not applicable	not applicable	2 units/ ac. gross	5 units/ ac. gross	8 units/ ac. gross	12 units/ ac. gross
Maximum	not applicable	not applicable	5 units/ ac. gross	12 units/ ac. gross	20 units/ ac. gross	44 units/ ac. gross
<b>b. THOROUGHFARES</b>						
HW	permitted	permitted	permitted	not permitted	not permitted	not permitted
BV	not permitted	not permitted	permitted	permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted	not permitted
RD	permitted	permitted	permitted	not permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted	not permitted
Rear Alley	not permitted	not permitted	permitted	required	required	required
Path	permitted	permitted	permitted	permitted	not permitted	not permitted
Passage	not permitted	not permitted	permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted	not permitted	not permitted
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted	permitted
<b>c. CIVIC SPACES</b>						
Park	permitted	permitted	permitted	permitted	permitted	permitted
Green	not permitted	not permitted	permitted	permitted	permitted	not permitted
Square	not permitted	permitted	permitted	permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted	permitted
<b>d. SINGLE LOT OCCUPATION</b>						
Lot Width	by Warrant	by Warrant	250 ft. min 1500 ft. m	50 ft. min 350 ft. max	20 ft. min 200 ft. max	18 ft. min 700 ft. max
Building: Lot Coverage	by Warrant	25% - 50% max	50% max	40% max	50% max	90% max
Building Size: SF as a percent of lot size	by Warrant	40% max	40% max	80% max	85% max	
Parking and Drive: Lot Coverage	by Warrant	60% max	50% max	50% max	60% max	
Green Space: Lot Coverage	by Warrant	25% min	20% min	10% min	5% min	
<b>e. SETBACKS - PRINCIPAL BUILDING</b>						
Front Setback (Principal)	not applicable	20ft. min NA ft. from National Road	NA ft. max	10 ft. min 45 ft. max	0 ft. min 20 ft. max	0 ft. min 10 ft. max
Front Setback (Secondary)	not applicable	20 ft. min NA ft.	50 ft. min NA ft. max	10 ft. min 45 ft. max	0 ft. min 20 ft. max	0 ft. min 10 ft. max
Side Setback	not applicable	15 ft. min	15 ft. min	5 ft. min	0 ft. min 27 ft. max	0 ft. min 10 ft. max
Rear Setback	not applicable	15 ft. min	15 ft. min	5 ft. min	0 ft. min 27 ft. max	0 ft. min 10 ft. max
<b>f. BUILDING DISPOSITION</b>						
Edgeway	permitted	permitted	permitted	permitted	not permitted	not permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted	not permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted	permitted
<b>g. BUILDING CONFIGURATION</b>						
Principal Building	not applicable	2 Stories max	3 Stories max, 1 min	3 Stories max, 1 min	3 Stories max, 1 min	3 Stories max, 2 min
Outbuilding	not applicable	2 Stories max	2 Stories max	2 Stories max	2 Stories max	not applicable

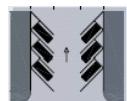
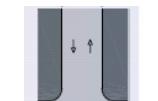
Credit: Duany Plater-Zyberk & Co.

**TABLE 6. VEHICULAR LANE & PARKING ASSEMBLIES:**

The following rows and columns identify thoroughfare types to be used

in conjunction with Table 7

		1	2	3
a.	NO PARKING			
b.	PARKING ONE SIDE PARALLEL			

c.	PARKING BOTH SIDES PARALLEL			
d.	PARKING BOTH SIDES DIAGONAL			
e.	PARKING ACCESS			

Credit: Duany Plater-Zyberk & Co.

**Table 7: Recommended Internal Project Roadway Types:**

The following table is to be used in conjunction with Table 6 to determine thoroughfares types that are designed in context with land use and the transect zones through which they pass.

Development Land Use Type	Use Service Type	Dedicated Public Right of Way Vs. Private Drive	T1	T2	T3	T4	T5	T6
Main Street Mixed Core	Mixed	Public						C.1
Main Street Mixed Core	Mixed	Private Drive						A.2 or C.1
Premier Auto Market Core	Auto-Oriented	Public						C.1
Premier Auto Market Core	Auto-Oriented	Private Drive						A.2 or C.1
Urban Commercial Center	Auto-Oriented	Public					C.1	
Urban Commercial Center	Auto-Oriented	Private Drive					A.2 or C.1	
Mixed Use Center	Mixed	Public					C.1	
Mixed Use Center	Mixed	Private Drive					A.2 or C.1	
Commercial Town Center	Mixed Commercial	Public				C.1 or C.2		
Commercial Town Center	Mixed Commercial	Private Drive				D.1 or D.2 or D.3 or A.1		
Mixed Use Conservation Edge	Mixed Commercial	Public			C.1 or C.2	C.1 or C.2		
Mixed Use Conservation Edge	Green Space	Public			C.1	C.1		
Mixed Use Conservation Edge	Residential	Public			C.1 or B.1	C.1 or B.1		
Mixed Use Conservation Edge	Mixed Commercial	Private			C.1 or D.3 or A.1 or A.2	C.1 or D.3 or A.1 or A.2		
Mixed Use Conservation Edge	Green Space	Private			C.1 or D.3 or A.2	C.1 or D.3 or A.2		
Mixed Use Conservation Edge	Residential	Private			C.1 or A.2	C.1 or A.2		
Mixed Use R&D Commercial Edge	R&D	Public			A.2 or A.3			
Mixed Use R&D Commercial Edge	R&D	Private			A.2 or A.3 or C.1			
Highway Rural Retail Edge	Mixed Commercial	Private		A.1 or A.2				
Green Space	Green Space/ Residential	Private	A.1 or A.2					

**Table 8: Sound Standards:**

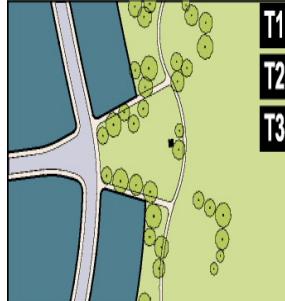
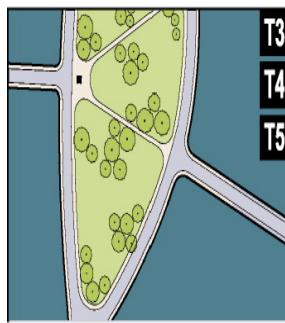
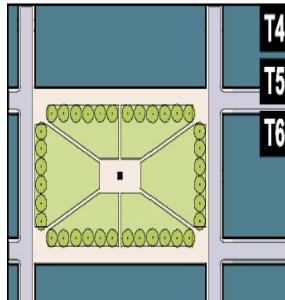
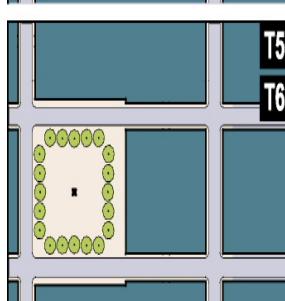
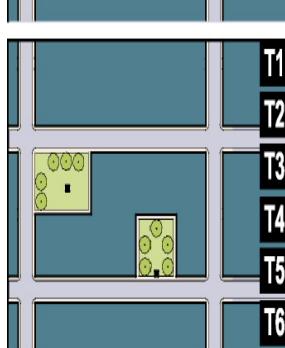
Sound levels measured at the building frontage line shall not exceed maximum decibels from sunrise to midnight and maximum decibels from midnight to sunrise.

	T1	T2	T3	T4	T5	T6
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maximum decibels from sunrise to midnight	65 db	65 db	65 db	70 db	70 db	80 db
maximum decibels from midnight to sunrise	55 db	55 db	55 db	60 db	60 db	60 db

**TABLE 9: Civic Space.**

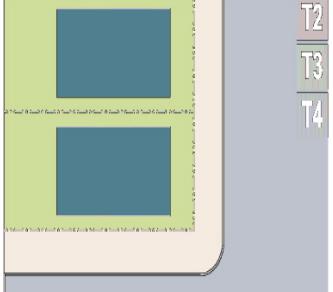
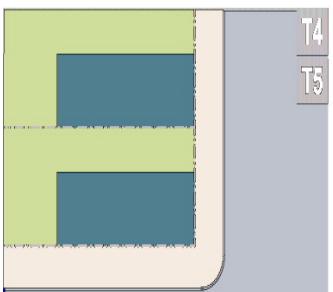
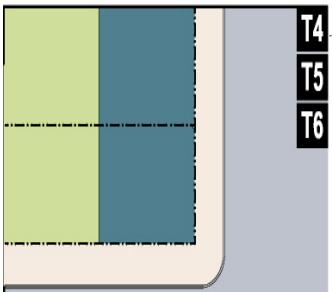
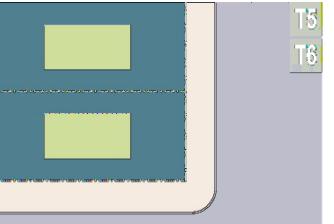
The intended types of civic space are diagrammed and described in this table. The diagrams are only illustrative; specific designs would be prepared in accordance to the verbal descriptions on this table.

<b>Park:</b> a natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape shall consist of pedestrian walkways and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres.	
<b>Square:</b> an open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of pedestrian walkways, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.	
<b>Green:</b> an open space available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.	
<b>Plaza:</b> an open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.	
<b>Playground:</b> an open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.	

Credit: Duany Plater-Zyberk & Co.

**TABLE 10: Building Disposition.**

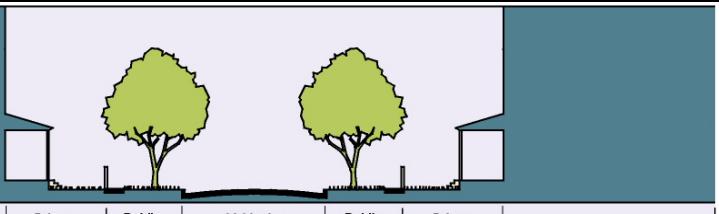
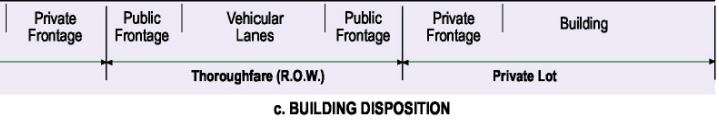
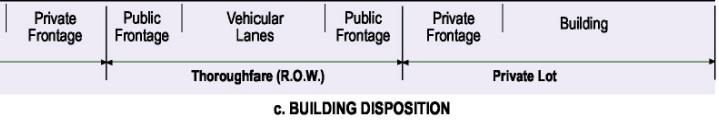
This table approximates the location of the building relative to the boundaries of each individual lot. Each of these very general types is intrinsically more or less urban, depending on the extent that it completes the frontage.

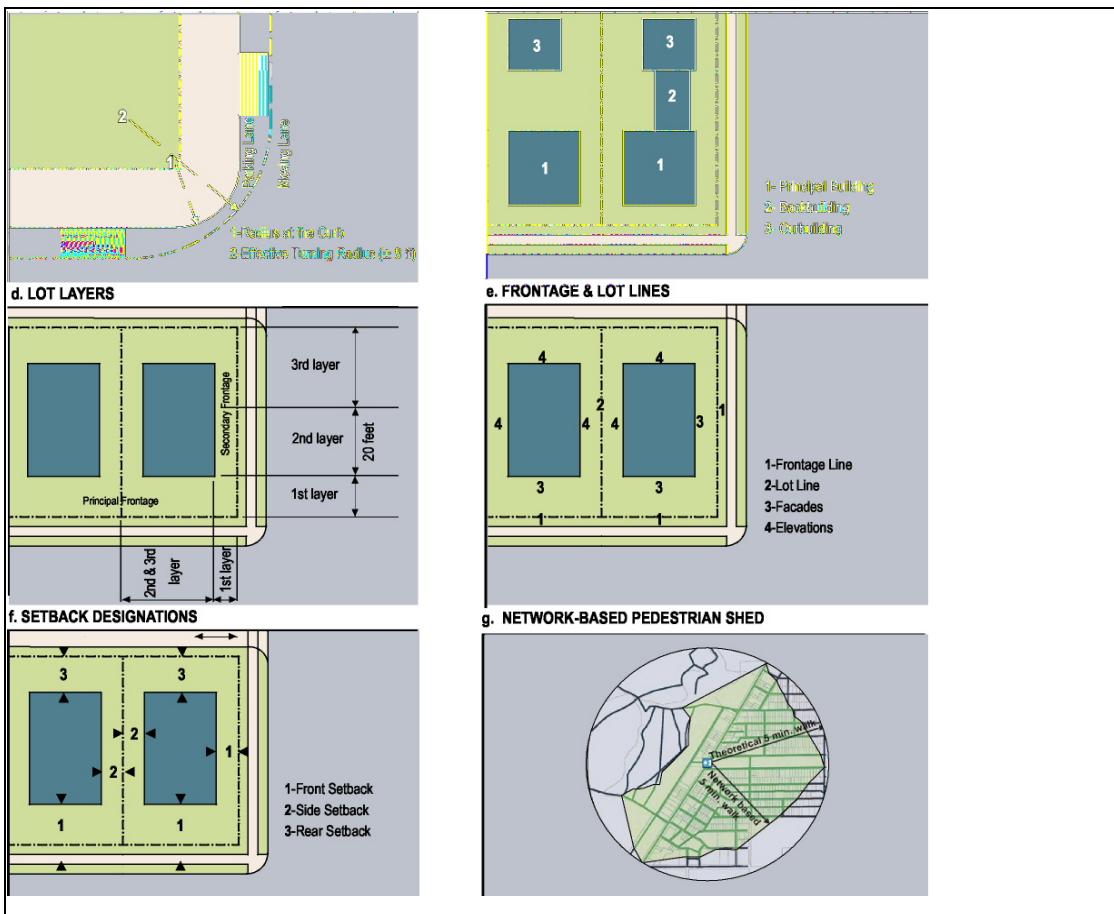
<p><b>Edgeyard:</b> specific types - single family house, cottage, villa, estate house, urban villa. A building that occupies the center of its lot with setbacks on all sides. This is the least urban of types as the front yard sets it back from the frontage, while the side yards weaken the spatial definition of the public thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed backbuilding and/or outbuilding.</p>	
<p><b>Sideyard:</b> specific types - Charleston single house, double house, zero-lot-line house, and twin. A building that occupies one side of the lot with the setback to the other side. A shallow frontage setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a sideyard house abuts a neighboring sideyard house, the type is known as a twin or double house. Energy costs and sometimes noise are reduced by sharing a party wall in this disposition.</p>	
<p><b>Rearyard:</b> specific types - townhouse, rowhouse, live-work unit, loft building, apartment house, mixed use block, flex building, perimeter block. A building that occupies the full frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous façade steadily defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the rowhouse. For its commercial form, the rear yard can accommodate substantial parking.</p>	
<p><b>Courtyard:</b> specific types - patio house. A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	

Credit: Duany Plater-Zyberk & Co.

**TABLE 11: Definitions Illustrated.**

This table provides a number of diagrams to support and clarify the Definitions

						
This table provides a number of diagrams to support and clarify the Definitions						
 b. TURNING RADIUS						
 c. BUILDING DISPOSITION						



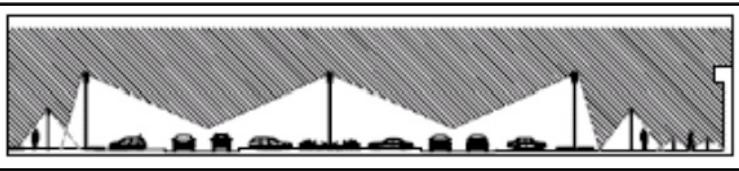
Credit: Duany Plater-Zyberk & Co.

**Table 12: LIGHTING STANDARDS:**

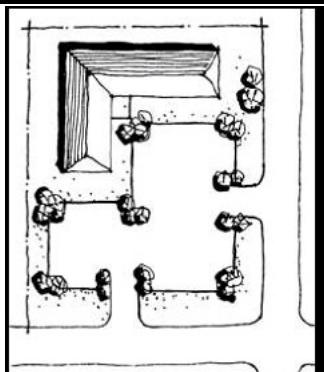
No lighting level measured at the property line shall exceed the following foot-candles (fc.)

T1	T2	T3	T4	T5	T6
0.5 fc	0.5 fc	0.5 fc	1.0 fc	2.0 fc.	5.0 fc

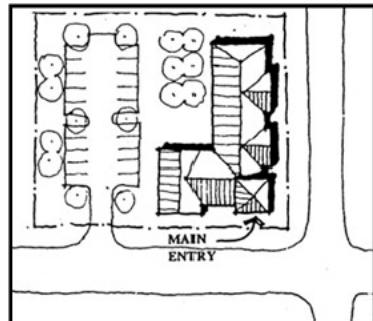
**Graphic 1: Cut-off light fixtures Credit: MSI**



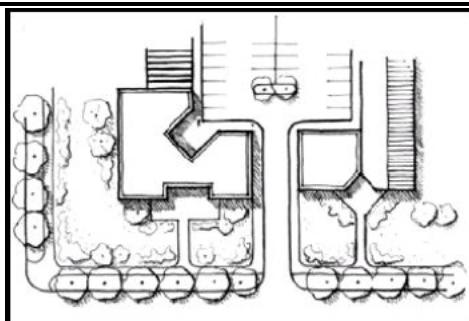
**Graphic 2: Prohibited rear yard building configuration**



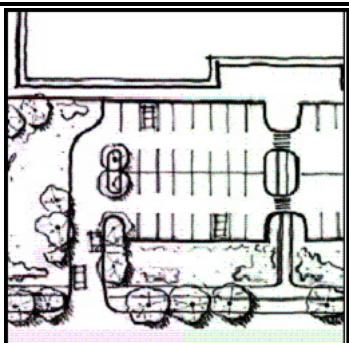
**Graphic 3: Required front yard building configuration**



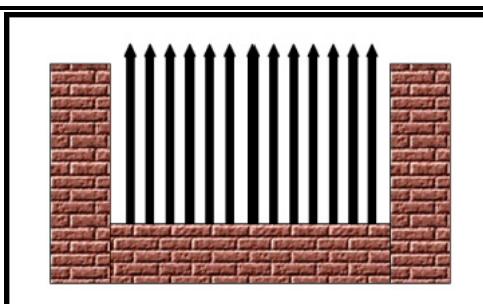
**GRAPHIC 4: PEDESTRIAN ACCESS AND SHARED VEHICULAR ACCESS DRIVEWAY.**



**GRAPHIC 5: WALKWAY CONNECTING THE SIDEWALK AND PARKING LOT WITH THE BUILDING.**



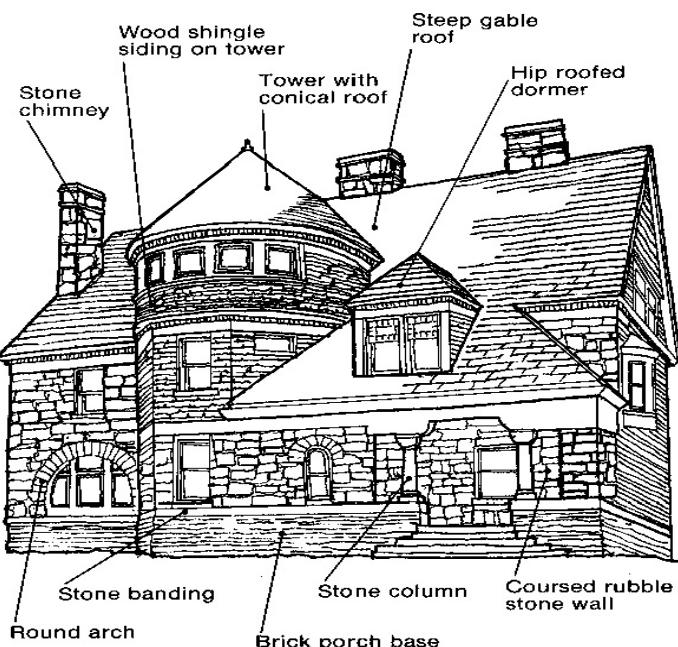
**GRAPHIC 6: URBAN SCREENING**



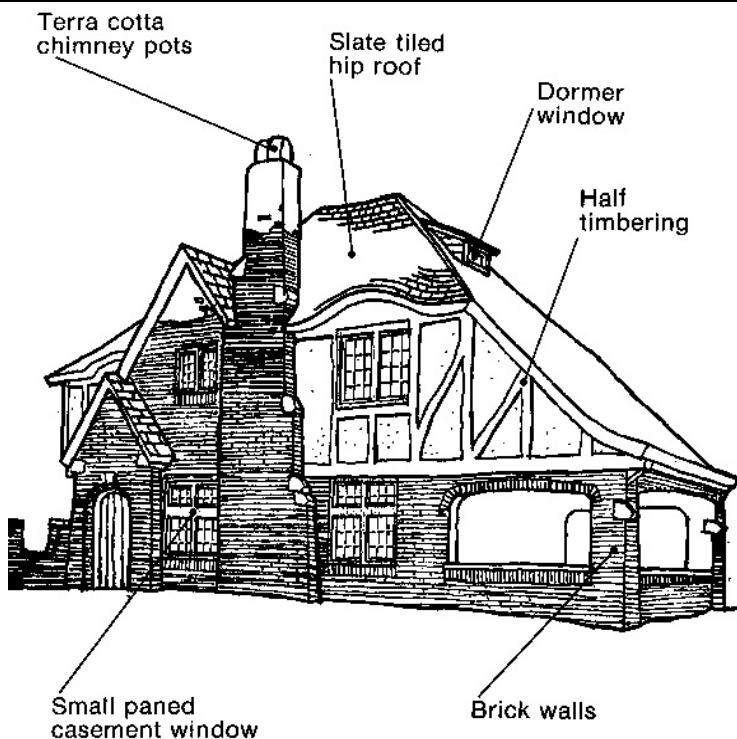
**GRAPHIC 7: STONE AND HEDGE SCREENING**



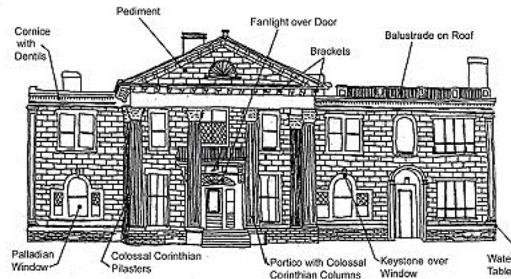
**Graphic 8: Vernacular Style: Richardsonian Romanesque**



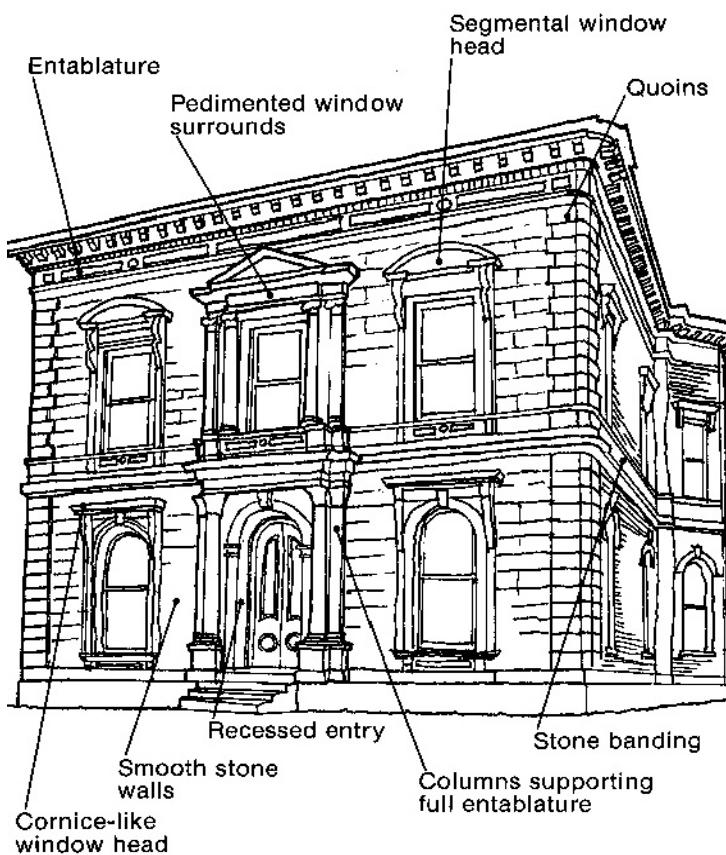
**Graphic 9: Vernacular Style: Tudor Revival**



Graphic 10: Vernacular Style: Neoclassical Revival

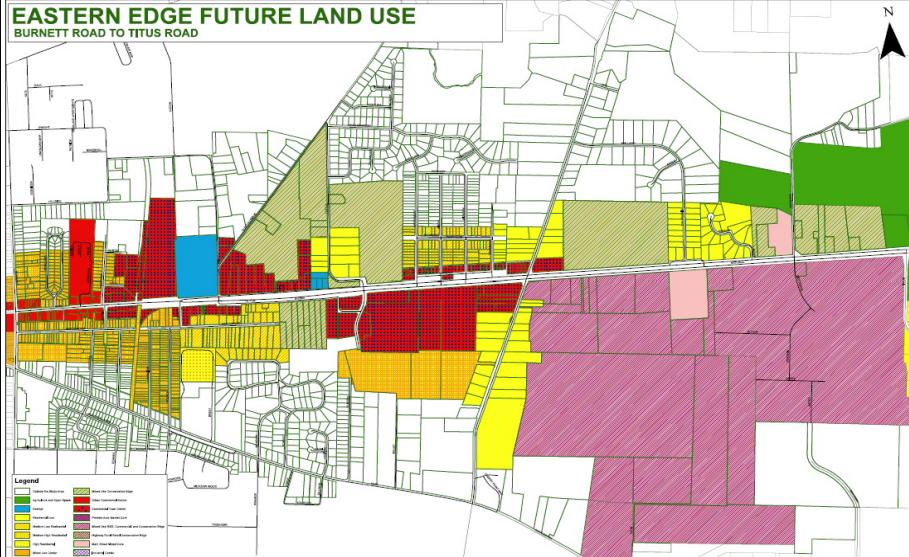


Graphic 11: Vernacular Style: Renaissance Revival

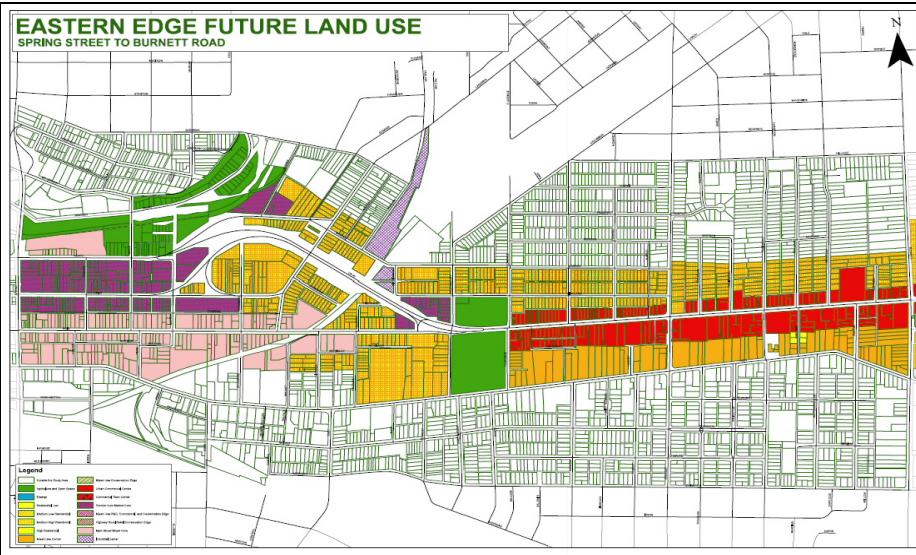


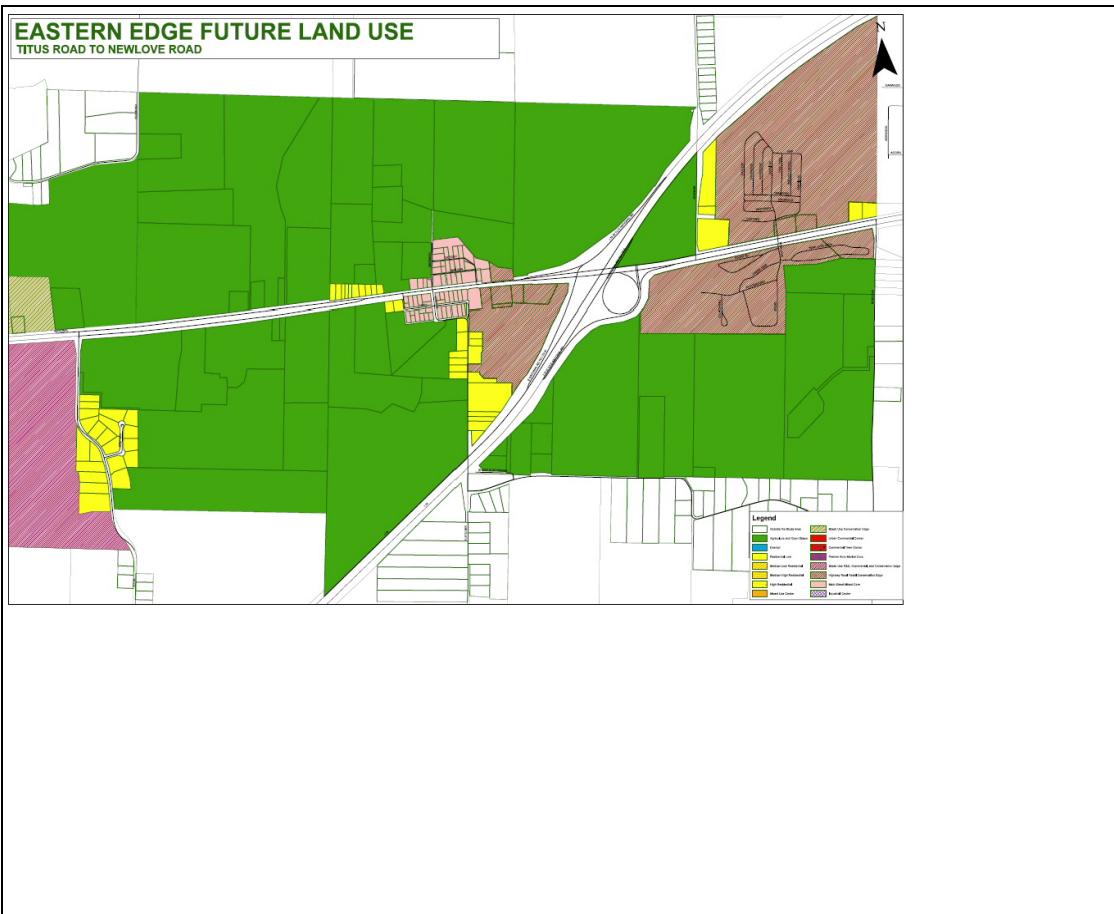
MAPS

### EASTERN EDGE FUTURE LAND USE BURNETT ROAD TO TITUS ROAD



### EASTERN EDGE FUTURE LAND USE SPRING STREET TO BURNETT ROAD





## TITLE FOUR - Principal Use and Structural Requirements

Chap. 1150 Yard and Area Requirements.

### CHAPTER 1150

#### Yard and Area Requirements

##### **1150.01 General requirements.**

##### **1150.02 Building extensions into yards.**

##### **1150.03 Front yard modifications.**

##### **1150.01 GENERAL REQUIREMENTS.**

The following minimum yard and area requirements shall apply to the development of a principal use and building on a lot.

- (a) The lot area, lot area per dwelling unit, lot width, lot frontage, front yard, side yard, rear yard, building coverage of a lot, building width, and floor area ratio shall be in accordance with the table below except as required by the following Sections (b), (c), (d), (e), (f), (g), and (h) of this chapter.

District	Lot Area	Lot Area /DU (sq ft)	Lot Wdth (ft)	Lot Front (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Bldg Cvrgr (%)	Bldg Wdth	FAR
A-1	10A	NA	330	60	*2	*3	20	NA	*4	NA
RR-1	1A	NA	105	35	*2	*3	20	NA	*4	NA
RS-5	8400	NA	70	35	25	*5	20	36	*4	NA
RS-8	5000	NA	40	25	25	*6	20	40	*4	NA
RFBH	5000	NA	40	25	25	*6	20	40	NA	NA
RM-12	*7	*7	*7	*7	25	*7	20	50	*4	NA
RM-20	5000	2000	50	35	25	10	20	45	*4	NA
RM-44	5000	1000	50	35	25	10	20	*8	NA	NA
RM-44A	5000	1000	50	35	25	10	20	25	NA	NA
CO-1	NA	NA	NA	NA	20	NA	NA	NA	NA	1

CN-1	NA	NA	NA	NA	20	NA	NA	NA	NA	1
CN-2	NA	NA	NA	NA	20	NA	NA	NA	NA	1
CC-2	NA	NA	NA	NA	20	NA	NA	NA	NA	2
CB-10	NA	NA	NA	NA	NA	NA	NA	NA	NA	10
CH-1	NA	NA	100	NA	20	NA	NA	NA	NA	1
CI-1	NA	NA	NA	NA	20	NA	NA	NA	NA	1
RDP	1A	NA	NA	NA	*9	*9	*9	50	NA	NA
M-1	NA	NA	NA	NA	20	NA	NA	NA	NA	1
M-2	NA	NA	NA	NA	100	NA	NA	NA	NA	2
P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

(Ord. 06-234. Passed 6-27-06.)

Notes:

\*1 In square feet, except where noted in acres.

\*2 According to the following table:

Thoroughfare Plan Street Classification	Setback
Major arterial street	90 ft. from the center line of the street at an existing or projected width of 100 ft.
Secondary arterial	65 ft. from the centerline of the street at an existing or projected width of 80 ft.
Collector Street	50 ft. from the center line of the street at an existing or projected width of 60 ft.

\*3 Five (5) feet for the first two (2) stories plus two (2) feet for each additional story.

\*4 Twenty (20) feet for a minimum of 75 percent of the building's length. This provision shall not apply to zero lot line dwellings.

\*5 Five (5) feet, except lots platted after the effective date of this code that do not have at least nine (9) feet of access to the rear yard shall have one (1) at nine (9) feet.

\*6 Five (5) feet or 10 percent of the lot width, whichever is less; for zero lot line or attached single-family dwellings, one at zero feet and others at 10 feet.

\*7 As listed in the following table:

	Single-Family (non 0-lot line)	Single-Family (0-lot line)	Town House	Duplex & Other Uses	Multi-Family
Lot area (sq ft)	4000	3000	3000	6000	8175
Lot area/DU (sq ft)	4000	3000	3000	3000	2725
Lot width (ft)	35	30	18	45	60
Lot frontage (ft)	20	20	18	35	40
Side yard (ft)	*6	*6	*6	*3	10

\*8 For low-rise dwellings: 40 percent; for high-rise dwellings: to be determined by the Board of Zoning Appeals.

\*9 Front yard shall equal 50 feet, side and rear yards none required, provided where a lot abuts or is across a street, alley or railroad right-of-way from an R district, no building, parking or loading area shall be closer to the district boundary than 150 feet. However, if screened as provided in Chapter 1161, a parking area may be located to within 50 feet of an R district.

(Ord. 03-244. Passed 7-8-03.)

- (b) In an R district, lots abutting a primary or secondary arterial street, as designated on the Land Use Plan map, shall have a front yard line established 90 feet from the centerline of a primary arterial street and 65 feet from the centerline of a secondary arterial street.
- (c) Lots that front on two (2) or more streets shall be provided with a front yard along all streets.
- (d) Where a frontage is divided amongst districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- (e) Where a lot in a C, RDP or M district abuts an R district, a yard at least equal to the abutting yard required in the R district shall be provided along the C, RDP, or M district boundary line.
- (f) In an R district where more than one (1) principal building is permitted on a lot, the required yards shall be as follows:
  - (1) The required front, side and rear yards shall be maintained around all of the principal buildings as if the buildings were considered as one building on the lot, and
  - (2) Each principal building shall be separated from any other principal building by a horizontal distance equal the height of the taller building.
- (g) Residential uses (not including motels and hotels) located at ground level in a C district, shall be provided with the yards

required in the RS-5 district.

(h) In all districts, if a side or rear yard is provided where not required, the side or rear yard shall be at least five (5) feet wide.

(i) In the DMC district, lots abutting a public street shall have a front yard line established 50 feet from the right-of-way.

(Ord. 06-91. Passed 3-14-06.)

## **1150.02 BUILDING EXTENSIONS INTO YARDS.**

The following building extensions or attachments to buildings may be located within the required yards specified, subject to the special conditions indicated.

(a) **Building features.** Eaves, cornices, marquees, awnings, canopies, belt courses, sills, buttresses, or other similar building features which extend beyond the wall of a principal building may project into any yard provided that such projections from a building shall not be closer than three (3) feet to a side or rear lot line.

(b) **Canopy, gas pump island.** Unenclosed canopies over gas pump islands shall be no closer than 10 feet to a street.

(c) **Chimneys.** Chimneys may project into any yard not more than two (2) feet.

(d) **Fire escapes and unenclosed stairways.** Fire escapes and unenclosed stairways may extend into any yard, provided they shall not extend into a side yard more than four and one-half (4-1/2) feet.

(e) **Porches, balconies, decks, ramps and stoops, uncovered.** Porches, balconies, decks, ramps for handicapped persons and stoops which are uncovered, may extend into any yard, provided that such projections shall not extend into a front yard more than eight (8) feet and a minimum distance of three (3) feet from all lot lines for porches, etc. Stoops may extend into a side yard not more than two (2) feet.

(Ord. 03-244. Passed 7-8-03.)

(f) **Windows.** Bay windows and similar projecting windows may extend into any yard, provided in an R district, they shall not be closer than three (3) feet to a side lot line.

## **1150.03 FRONT YARD MODIFICATIONS.**

The only front yard exceptions shall be:

(a) In any District where a block has 20 percent of the lot frontage on one side of the street improved with buildings, the minimum front yard for each lot along the frontage shall be established in the following manner:

At the option of the owner, the front yard shall be established as the front yard required in the district in which the lot is located or otherwise as follows:

(1) The minimum front yard for a vacant lot within 100 feet of existing buildings on each side of the lot shall be established as that space in front of a line drawn between the closest front corners of the two adjacent existing buildings.

(2) The minimum front yard of a vacant lot within 100 feet of an existing building on only one side of the lot shall be established as an average of the setback of the closest front corner of the adjacent existing building and the depth of the front yard required for the district in which the lot is located.

(3) The minimum front yard of a vacant lot which is not within 100 feet of an existing building on either side of the lot shall be the front yard required for the district in which the lot is located.

(4) The minimum front yard for a proposed addition to an existing principal building or accessory building shall be equivalent to the setback of the closest front corner of the principal building or accessory building. For corner lots and double frontage lots, this modification (4) shall apply to each street and the closest front corner that the principal building or accessory building setback from that particular street. For corner lots, this modification (4) shall not allow an addition to be constructed within a visibility triangle at all street intersections including at least the area within the first fifty (50) feet along the intersecting right-of-way lines (projected if rounded) and a line connecting the ends of such fifty foot lines. Similar visibility triangles shall be provided at intersections of alleys with streets, driveways with streets and alleys with alleys; however, the measurement along the intersecting lines shall be ten (10) feet instead of fifty (50).

(5) The minimum setback for a proposed detached accessory building within 100 feet of an existing building on an adjacent lot shall be established as that area in front of a line drawn between the closest front corners of the adjacent existing building and the principal building on the lot of the proposed accessory building. No garage, however, shall be located closer than 18 feet to the front lot line unless the garage is entered from the side.

(6) The minimum front yard for a proposed detached accessory building which is not located within 100 feet of an existing building on an adjacent lot shall be established as an average of the closest front corner of the principal building on the lot of the accessory building and the depth of the front yard required in the district in which the lot is located. No garage, however, shall be located closer than 18 feet to the front lot line unless the garage is entered from the side.

(b) A variance may be granted by the Board of Zoning Appeals modifying yard requirements when the owner of a lot demonstrates practical difficulty in complying with the yard requirements of this code. To grant a variance, only the conditions indicated below shall be applied. In no case, however, may a variance be granted for more than a 28 percent reduction of the required yard without applying other conditions of Chapter 1172.06.

(1) The essential character of the neighborhood, i.e., adjacent properties, will not be substantially altered or suffer detriment as a result of the reduction;

(2) There is no other feasible method of solving the property owner's plight;

(3) The spirit and intent behind the yard requirements will be observed and substantial justice done by granting variance; and

(4) The owner's plight is unique or peculiar to the property in question, not shared with other landowners in the area, and not due to general conditions in the neighborhood.

## **Height Requirements**

### **1151.01 General requirements.**

#### **1151.02 Height exceptions.**

#### **1151.01 GENERAL REQUIREMENTS.**

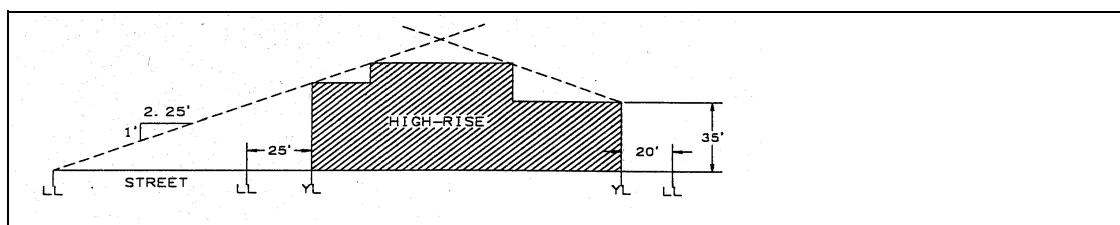
The following maximum height requirements shall apply to the development of a principal building on a lot.

(a) Except as otherwise provided, the height shall be as follows:

- (1) Residential low-rise buildings: 35 feet
- (2) Residential high-rise buildings: according to the requirements of Subsection 1151.01(b)
- (3) Commercial buildings in R, CO-1 and CN-1 districts: 35 feet
- (4) Commercial buildings in CC-2 and CI-1 districts: 35 feet
- (5) Commercial and manufacturing buildings in all other districts: not applicable
- (6) All buildings in the DMC district: according to the requirements of Subsection 1151.01(b)

(Ord. 06-91. Passed 3-14-06.)

(b) For all buildings for which a height is required, the maximum height may be increased, provided no portion of the building shall project through imaginary planes leaning inward at a 24 degree angle from horizontal and commencing 35 feet above ground level at the yard lines. (See illustration below.) This angle represents an increase of one (1) foot of height for each two and one-quarter (2.25) feet of horizontal distance perpendicular to the lot lines. Where existing land abutting the lot is developed or preserved with permanent open space (such as street right-of-way), the imaginary plane may commence from the opposite side of the open space at ground level. This subsection need not apply to that side of a building along the boundary of another district which permits buildings to be higher than 35 feet.



#### **1151.02 HEIGHT EXCEPTIONS.**

The following structures or parts thereof shall be exempt from the general height limitations set forth above.

(a) In all districts, the following structures shall be exempt:

- (1) Chimney or flue.
- (2) Church spire.
- (3) Cupola, dome, skylight or other similar roof protrusion not used as habitable floor space.
- (4) Electronic receiving antenna.
- (5) Farm structure, including a barn, silo, storage bin or similar structure when associated with a farm.
- (6) Flag pole.
- (7) Parapet or fire wall extending not more than three (3) feet above the permitted height of the building.
- (8) Pole, tower or similar structure necessary for essential services.
- (9) Roof structure, including elevator bulkhead, stairway, ventilating fan, cooling tower or similar necessary mechanical and electrical appurtenance required to operate and maintain the building.

(b) In the C and I districts, the following structures shall be exempt:

- (1) Radio and television tower.
- (2) Storage tank.

## **TITLE FIVE - Accessory Use and Structural Requirements**

- Chap. 1152. General Requirements.
- Chap. 1153. Off-Street Parking Requirements.
- Chap. 1155. Sign Requirements.
- Chap. 1156. Fence and Hedge Requirements.

## **CHAPTER 1152**

### **General Requirements**

#### **1152.01 Attached accessory buildings structures.**

#### **1152.02 Detached accessory buildings.**

#### **1152.01 ATTACHED ACCESSORY BUILDINGS AND STRUCTURES.**

Accessory buildings and structures attached to principal buildings shall be located pursuant to the requirements for principal buildings of Title Four.

## **1152.02 DETACHED ACCESSORY BUILDINGS.**

In all districts, except as specified in each district, accessory uses and structures shall be subject to the following requirements:

- (a) **Time of construction.** No accessory building or use shall be constructed or established prior to the start of construction of the principal building or use to which it is accessory.
- (b) **Setback from property lines and location within yards.** Accessory structures shall be separated from lot lines and located within yards in compliance with the following requirements:
  - (1) In R districts, an accessory building shall not be located closer than five (5) feet to a rear or side lot line. (An accessory building may not be located within a front yard.) An accessory building may be located to within three (3) feet of a rear or side lot line if the following conditions are met:
    - A. Any projection from the building such as eaves shall be located no less than three (3) feet from the rear or side lot line;
    - B. Exterior walls located closer than five (5) feet to a rear or side lot line shall not have less than a one (1)-hour fire-resistive rating, rated for exposure from both sides; and
    - C. No openings such as windows or doors shall be placed in the wall or portions of walls located within five (5) feet of the rear or side lot line.
  - (3) An accessory structure for a zero lot line dwelling shall not be located within the required 10 foot side yard.
  - (4) When a garage has access perpendicular to an alley as to require backing directly into the alley, it shall not be located closer than 10 feet to the alley.
- (c) **Location of accessory buildings and structures within specified yards.** The following buildings and structures may be located within the required yards specified, subject to the special conditions indicated.
  - (1) **Accessory buildings.** Accessory buildings may be located within a side or rear yard, provided they shall comply with all other requirements of this chapter.
  - (2) **Canopy, gas pump island.** Unenclosed canopies over gas pump islands may be located within the required front yard or side yard, provided at street intersections, the supports shall not be located within a triangular area two (2) of its sides 30 feet in length and measured along the curb lines (or pavement edge where curbs do not exist) from the point of intersection.
  - (3) **Dog runs.** Dog runs constructed solely for the purpose of confining dogs for exercising and feeding may be located in any yard, provided that in an R district, they shall not be located in the front yard or side yard nor closer than five (5) feet to the rear lot line.
  - (4) **Fences and hedges.** Fences and hedges may be located in any yard subject to the requirements of Chapter 1156.
  - (5) **Ornamental features.** Light fixtures, flag poles, arbors, trellises, fountains, sculptures, plant boxes, plants, trees, and other similar ornamental features may be located within any yard. However, at street intersections, no ornamental feature more than two and one-half feet (2.5) feet in height above the curb level shall be located within a triangular area two (2) of its sides 30 feet in length and measured along the curb lines (or pavement edge where curbs do not exist) from the point of intersection.
  - (6) **Parking, off-street.** Except as otherwise provided in Chapter 1153, open off-street parking may be located within any yard.
  - (7) **Decks and stoops, uncovered.** Porches, balconies, decks and stoops which are uncovered, may extend into any yard, provided that such projections shall not extend into a front yard more than eight (8) feet. Stoops may extend into a side yard not more than two (2) feet.
  - (8) **Signs.** Signs may only be located within a yard according to the provisions of Chapter 1155.
  - (9) **Swimming pools and hot tubs.** Swimming pools and hot tubs with a depth of 18 inches or more may be located in any yard, provided that in an R district they shall not be located in a front yard and shall not be located closer than 10 feet to a side or rear lot line.
  - (10) **Telephones, coin operated.** In C, M, and DMC districts, coin operated telephones may be located within any yard.
  - (11) **Windows.** Bay windows and similar projecting windows may extend into any yard, provided in an R district, they shall not be closer than three (3) feet to a side lot line.
  - (12) **Skywalks.** In the DMC district, skywalks for pedestrian access over private property and over public streets, when approved by the Department of Community Development, may be located within any yard.
  - (13) **Public Transportation Area.** In the DMC district, public transportation areas may be located within any yard.
- (d) **Setback from principal building.** No accessory building shall be located closer than six (6) feet to the principal building.
- (e) **Maximum rear yard coverage.** In R districts, accessory buildings shall not occupy more than 25 percent of the rear yard.
- (f) **Maximum height.** The height of accessory structures shall not exceed the following:
  - (1) In R districts, an accessory building or structure shall not exceed a height of 16 feet, except for the following:
    - A. Electronic receiving antenna.
    - B. Public utility.
  - (2) In all districts except R districts and except for fences and signs, an accessory structure may be of any height, provided it does not exceed the height permitted for a principal building.

## **CHAPTER 1153**

### **Off-Street Parking Requirements**

#### **1153.01 General requirements.**

- 1153.02 Number of parking spaces.**
- 1153.03 Shared parking district.**
- 1153.04 Construction, design, and location requirements.**
- 1153.05 Parking for disabled persons.**
- 1153.06 Special vehicle parking and storage.**
- 1153.07 Restricted business or industrial accessory parking areas.**
- 1153.08 Parking lot permit application.**

#### **1153.01 GENERAL REQUIREMENTS.**

The following general requirements shall govern the number, design and location of off-street parking and stacking spaces, drives and aisles whether or not they are required:

- (a) Where a fractional space results, the number of parking and stacking spaces required shall be the closest whole number. If the fractional amount is one half (1/2), the next lowest whole number shall be applied.
- (b) Whenever a building or use which existed prior to the effective date of this code is enlarged by one (1) or more additions to the extent of less than fifty (50) percent of the floor area existing as of the date of adoption of this code, the use or uses contained within the additions or enlargements shall comply with the parking requirements of this chapter.
- (c) Whenever a building or use which existed prior to the effective date of this code is enlarged by one (1) or more additions to the extent of more than fifty (50) percent of the floor area existing as of the date of adoption of this code, the uses contained within the original building and all enlargements shall comply with the parking requirements of this chapter.
- (d) For mixed uses, the required parking and stacking spaces shall equal the sum of the required parking spaces for the various uses computed separately.
- (e) The storage of merchandise, materials, equipment, refuse containers, obsolete or discarded vehicles or major repair of vehicles is prohibited in required off-street parking and stacking spaces. Major repair of a vehicle shall be construed as any repair, which immobilizes a vehicle for more than 48 hours.
- (f) Prior to issuance of a Certificate of Occupancy as provided in Chapter 1311 of Part 13 (Building code), of the Codified Ordinances of the City of Springfield, Ohio, or the establishment of a use, all parking and stacking spaces, drives and aisles shall be constructed according to the requirements of this chapter. The Community Development Director or Director's designee may issue a temporary Zoning Certificate in those instances where he/she finds that the paving cannot be installed due to adverse weather conditions or settling of the site after demolition or filling. A temporary Zoning Certificate shall be effective only to a date specific.
- (g) The property owner is responsible to maintain and replace, as determined by the Community Development Director or the Director's designee, landscaping required by the provisions of this chapter.
- (h) Parking spaces may be provided either in a parking garage or open area.
  - (i) Non-compliance with any section of this Chapter 1153 will result in code enforcement action and the property owner will be subject to civil fines pursuant to Chapter 1324 of the Codified Ordinances of the City of Springfield, Ohio.

(Ord. 15-42. Passed 2-17-15.)

#### **1153.02 NUMBER OF PARKING SPACES.**

In all districts, except the Unified Plan Overlay District or Eastern Edge Corridor Plan Overlay District, there shall be provided prior to the occupation of a building or commencement of a use the minimum number of off-street parking and stacking spaces as indicated in the following tables. For properties located in the Unified Plan Overlay District and Eastern Edge Corridor Plan Overlay District, please refer to Chapter 1141 and Chapter 1142, respectively.

**(a) Residential Uses.**

<b>Principal Use</b>	<b>Number of Spaces</b>
Family day-care home - type B	4 parking spaces
Mobile and modular home	2 parking spaces per home
Multi-family dwelling, except high-rise and elderly housing	1.5 spaces per dwelling unit for up to 800 sq. ft.; 2 parking spaces per dwelling unit for over 800 sq. ft.
Multi-family dwelling - high-rise	1 parking space per dwelling unit
Multi-family dwelling - elderly housing	1 parking space per 4 dwelling units
Rooming house	1 parking space per 200 apartment sq ft of floor area
Fraternity and sorority	1 parking space per 2 residents
Single family dwelling and duplex	2 parking spaces per dwelling unit
Homeless shelter	1/4 parking space per occupant load

**(b) Commercial Uses.**

<b>Principal Use</b>	<b>Number of Spaces</b>
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Automobile gasoline and service station	1 parking space per service station island of pumps and service stall plus 1 stacking space per 4 pumps and service stall. Parking spaces shall be provided in lieu of stacking spaces in instances where egress from a facility would require a motor vehicle waiting for entry to be moved.
Automobile repair garage	1.5 parking spaces per 500 sq ft of floor area
Beauty Parlor and/or Barber Shop	2 parking spaces per barber or beauty parlor chair
Car Wash	Stacking spaces equal in number to 5 times the maximum capacity of the car wash per wash rack (bay or tunnel) or 3 times the maximum capacity for a coin operated car wash per wash rack; in addition, 1 parking space per 2 wash racks.
Financial Institution	1 parking space per 300 sq ft of floor area. For drive-in establishments, an additional 6 stacking spaces per external teller or customer service window designed for drive-in service shall be provided but need not exceed 18 total stacking spaces
Funeral home	1 parking space per 4 seats
Furniture, major appliance, and floor covering store	1 parking space per 500 sq ft of floor area
Grocery Store/Supermarket	1 parking space per 300 sq ft of floor area
Hotel and motel	1.15 parking spaces for guest room
Laundry/dry cleaning establishment (self-service)	1 parking space per 2 laundry and dry cleaning machines
Laundry/dry cleaning establishment (full-service)	1 parking space per 500 sq ft of floor area. For drive-in establishment, an additional 2 stacking spaces per external teller or customer service window designed for drive-in service shall be provided.
Machinery sales	1 parking space per 800 sq ft of floor area
Motor vehicle sales and rental	1 parking space per 800 sq ft of floor area
Office	1 parking spaces per 350 sq ft of floor area
Office - Medical	1.5 parking space per office, examining and treatment room, provided there shall not be less than 5 spaces
Personal service establishment - other than listed	1 parking space per 300 sq ft of floor area
Photographic studio	2 parking spaces per office, studio, and reception area, provided there shall not be less than 5 spaces
Rental agency - equipment and supplies	1 parking space per 500 sq ft of interior and exterior storage area
Restaurant and establishment dispensing food or beverage for consumption on the premises	1 parking space per 4 seats
Restaurants - drive-in and carry-out	1 parking space per 4 seats, but not less than 5 spaces, plus 6 stacking spaces per external teller or customer service window designed for drive-in service
Retail store - 0 - 60,000 square feet	3 parking spaces per 1000 sq ft of floor area
Retail store - more than 60,000 square feet	2 parking spaces per 1000 sq ft of floor area
Studio and station (radio/television)	1 parking space per 400 sq ft of floor area

(c) Manufacturing Uses.

Principal Use	Number of Spaces
Contractor and construction yard	The sum total of parking spaces shall be determined on the basis of the parking spaces required for uses individually such as office area and warehouse space

Junk Yard	The sum total of parking spaces shall be determined on the basis of the parking spaces required for uses individually such as office area and garage space
Laboratory - research, development and testing	1 parking space per 600 sq ft of floor area
Manufacturing or establishments engaged in production, processing packing and crating, cleaning, servicing or repair of materials, goods, or products.	1 parking space per 600 sq ft of floor area
Motor and railroad freight terminal - cartage, express and parcel delivery	1 parking space per 800 sq ft of floor area
Printing and publishing establishment	1 parking space per 300 sq ft of floor area
Warehouse - less than 25,000 square feet	1 parking space per 1,000 sq ft to a maximum of 5
Warehouse - more than 25,000 square feet	5 parking spaces plus 1 additional parking space per 5,000 sq ft above 25,000 sq ft

(d) **Institutional Uses.**

Principal Use	Number of Spaces
Home - children's, aged, convalescent, rest and nursing home, and group care facility	For a group care facility and children's home, 1.5 parking spaces per 2 occupants. For other uses, 1 parking space per 3 beds
Hospital - sanitarium and asylum	1 ¾ parking spaces per hospital bed
School - generalized instruction, elementary and junior high, and specialized public or private instruction	2 parking spaces per public or private classroom
School - generalized instruction, senior high	10 parking spaces per public and private classroom
Daycare Center, adult or child	1 parking space per 6 clients (children or adults)

(e) **Places of assembly, worship, recreation, entertainment and/or amusement.**

Principal Use	Number of Spaces
Bowling Center	4 parking spaces per lane
Club and lodge	Parking spaces equal in number to 1/3 of the occupant load of the largest room in the building
Establishments or enterprises of a recreational or an entertainment nature - spectator type (auditorium, sports arena, theater, stadium and meeting hall)	Parking spaces equal in number to ¼ the occupant load in the seating area
Establishments or enterprises of a recreational or an entertainment nature - participating type (skating rink, dance hall, tennis court, swimming pool, archery range, gymnasium, pool hall)	Parking spaces equal in number to 2/3 the occupant load of the area used for the participatory sport or activity. For outdoor activities, the number of parking spaces shall be based upon the maximum number of persons the facility can or is expected to accommodate
Golf course	3 parking spaces per hole
Golf driving range	1 parking space for each 20 ft of range width
Library, museum and art gallery	1 parking space per 300 sq ft of floor area
Religious institution and community center	Parking spaces equal in number to 1/6 the occupant load of the main auditorium or the largest room in the building, which ever is greater

(f) **Other Uses.** For uses not listed, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Community Development Director or his/her designee.

(g) **Parking Reduction.** A lawful use can receive a reduction of five (5) percent of required parking spaces for permanently retaining onsite the first quarter (1/4) inch of every storm event. Every additional quarter inch (1/4) retained onsite per storm event will result in an additional reduction of five (5) percent of the required parking spaces up to a maximum of twenty (20) percent of the total number of required parking spaces. Practices used to retain stormwater onsite may also be used to satisfy the stormwater management requirements in Codified Ordinance 961. Examples of stormwater retention practices include, but are not limited to infiltration, evaporation, transpiration, canopy interception, rainwater harvesting, extended infiltration, and other practices that retain stormwater.

### **1153.03 SHARED PARKING.**

If, due to practical difficulties, a parcel cannot provide a sufficient number of off-street parking spaces, off-street parking spaces on other parcels may be counted under the following conditions:

- (a) The applicant's proposed use and the current use of the other property are conducted in predominantly different time periods (i.e. a theater and a bank).
  - (b) A shared parking agreement is provided that:
    - (1) Is signed by the applicant and the owner of the other property (both properties may be in same ownership),
    - (2) Is for a minimum period of three (3) years,
    - (3) Provides for notice to the City at least thirty (30) days prior to termination.
  - (c) The shared parking agreement can account for no more than fifty (50) percent of the number of spaces required for the applicant's proposed use except that if the proposed use is for a religious institution, the shared parking agreement can account for one hundred (100) percent of the number of required spaces, or the shared parking agreement can account for one hundred (100) percent of the number of required spaces if the two (2) properties share the same ownership and the parcel containing the shared parking area is only being utilized for parking.
  - (d) The shared parking shall be in the same zoning district as the applicant's proposed use, or a zoning district that also allows the applicant's proposed use, or a zoning district that allows commercial parking lots as a principal use.
  - (e) The applicant's proposed use and the parcel containing the shared parking shall be no further apart than three hundred (300) feet if the proposed use is a commercial or residential use, or five hundred (500) feet if the proposed use is a manufacturing use.
- (Ord. 15-42. Passed 2-17-15.)

### **1153.04 CONSTRUCTION, DESIGN, AND LOCATION REQUIREMENTS.**

The following requirements shall govern the construction, design and location of off-street parking spaces, stacking spaces, drives and aisles.

- (a) **Construction.** Except for as provided in 1153.06 (2)(b), all parking and stacking spaces, drives and aisles shall be constructed of Asphalt, Concrete, Brick/Block (Permeable) Pavers, Grass Pavers/Porous Pavement or Pervious Concrete.
- (b) **Design.** Except for single-family dwellings (including zero lot line and townhouse units) and duplexes, parking, stacking spaces, aisles, and drives shall be designed as follows:
  - (1) Parking areas shall be provided with the minimum dimensions illustrated in Table 1. An approved use can provide up to twenty (20) percent of its required parking spaces as compact car spaces.

**TABLE 1**

	<b>90</b>	<b>60</b>	<b>45</b>	<b>30</b>	<b>0</b>
Width Parallel to Aisle (ft): Standard Spaces	9	11.4	12.7	17.6	24
Compact Spaces	8	9.3	11.4	16	22
Length at 90 (ft): Standard Spaces	18	20	19	15.5	9
Compact Spaces	15	17	16	14	8
Minimum Width of Aisle (ft)					
One-Way Traffic	24	18	13	12	14
Minimum Width of Aisle (ft)					
Two-Way Traffic	24	22	22	22	22
Module Width parallel to :					
Single row parking (ft)	42	38	32	27.5	23
Double row parking (ft)	60	58	51	43	32
Double row parking with single interlock (ft)	N/A	56	47.5	39.6	N/A
Double row parking with double interlock (ft)	N/A	54	43.5	36.2	N/A

- (2) All parking spaces shall be connected to an aisle, which shall have the minimum width indicated in Table 1.
- (3) When different parking space configurations abut the same aisle, the greatest aisle width shown in Table 1 shall be provided.
- (4) Parking spaces shall be designed to permit ingress and egress of a vehicle to and from a parking space without moving any other vehicle occupying a parking space except for single-family dwellings (including zero lot line and townhouse units) and duplexes.
- (5) No parking area shall be so designed in such a manner that exiting a parking space would require backing into a street or alley.
- (6) Parking areas with spaces along lot lines and alleys shall be provided with car stops or curbing so no part of a parked vehicle can extend beyond a lot line or into an alley.
- (7) Traffic islands shall be located so that parking spaces are separated from drives.
- (8) In parking areas, all parking and stacking spaces, drives and aisles shall be pitched or curbed and drained in such a manner as to prevent the flow of excess water from such areas onto adjoining property or into streets and alleys which do not have adequate drainage facilities. The adequacy of drainage facilities as well as compliance with the stormwater regulations of Chapter 961 of Part Nine of the Codified Ordinances of Springfield, Ohio, shall be determined by the City Engineer or Engineer's designee.
- (9) In all parking areas, parking spaces shall be visibly delineated on the surface by painted or marked stripes.

- (10) If two (2) or more parking areas are connected by a drive, the parking areas shall be designed so that an aisle connected to more than twelve (12) parking spaces is not used as a drive in providing access to another parking area.
- (11) A drive providing access to a parking area shall be at least ten (10) feet in width for a one-way drive and no less than eighteen (18) feet in width if it is used for two-way traffic.
- (12) Where a parking area is provided within fifty (50) feet on the same side of the street as a lot in an RS district, the lot shall be screened from view of that portion of the parking area within fifty (50) feet.
- (13) Where a parking area is provided on a lot within 150 feet across the street from an RS district, the lot shall be screened from view of that portion of the parking area within 150 feet.
- (14) The materials for screening and their placement shall comply with the requirements of Subsection 1161.02(h) titled Performance Standards.
- (15) Trees shall be located so every parking space or portion of a parking space is not more than fifty (50) feet from a tree. Trees utilized in parking areas shall be designated on the construction drawings. The varieties and sizes of trees permitted are specified in the list of Recommended Trees for Springfield, Ohio (as provided by the City Forestry Division). Trees not included on the list may be used to fulfill the requirements of this chapter upon approval of the City Forestry Division.
- (16) Developments requiring more than four (4) trees must use at least two (2) or more species of trees.
- (17) All trees shall be placed within planting areas of pervious material suitable for growth of a tree and separated from parking spaces, drives and aisles by a continuous curb or barrier a minimum of five (5) inches in height and/or a depressed planting area engineered to accept and infiltrate stormwater and separated from parking spaces, drives and aisles by a cut curb or other practice that will deter traffic from entering the planting area. All depressed area designs shall be detailed in the construction drawings and be approved by the City Engineer or Engineer's designee.
- (18) Planting areas shall have a minimum area of 120 square feet for each small tree and 160 square feet for each medium and large tree.
- (19) Trees shall be located a minimum of four (4) feet from the edge of planting area or right-of-way line.
- (20) When a parking area is provided within twenty (20) feet of any street, a landscape border not less than four (4) feet in width is required between the parking area and the street. The landscape border may be broken for necessary walkways, driveways, and sight distance areas. Such landscaping shall contain a combination of trees (40 feet on center) and shrubs (4 feet on center) making at least a three (3) feet high visual barrier during the summer months, at plant maturity. A wall or fence can be placed in the landscape border strip (see Section 1156.01), as can a berm. Hedges and other landscape-screening materials (except trees) cannot exceed four (4) feet in height. Parking lots located in the Unified Plan Overlay District (Chapter 1141) and Eastern Edge Corridor Overlay District (Chapter 1142) shall comply with the provisions established in each respective Chapters of the code.
- (21) Compact car stall dimensions shall be provided per Table 1. All compact car spaces shall be marked as designated on the approved construction plans.
- (22) When the number of parking spaces provided exceeds the minimum required in Section 1153.02 of this ordinance by fifteen (15) percent or more, the developer shall permanently retain onsite the first quarter (1/4) inch of every storm event.

**(c) Design** for single-family dwellings (including zero lot line and townhouse units) and duplexes:

- (1) Drives and parking spaces can be provided as a two-track "Hollywood" design with a width of eighteen (18) inches per wheel track. Tire base of vehicles parked or stored on Hollywood drive must be accommodated by the two-track design.

**(d) Location.** Parking spaces, stacking spaces, aisles and drives shall be located as follows:

**(1) General.**

- A. Off-Street parking and stacking spaces, aisles, and drives shall be located on the same lot as the use served except as provided in Section 1153.03.
- B. Drives and aisles in all R districts and in all other districts abutting an R district, shall not be located closer than three (3) feet to a lot line except for single-family dwellings (including zero lot line and townhouse units) and duplexes.
- C. A parking area shall not be located closer than five (5) feet to a lot with a single-family residence or duplex in other R districts.

**(2) Front Yard.**

- A. Except as provided in paragraph B and C below, no parking or storage space in an R district and in the C and M districts within fifty (50) feet of an R district along the same frontage shall be permitted within a front yard.
- B. For detached single-family dwellings in the R districts, two (2) of the required parking spaces may be provided within a front yard on a regularly constructed drive, provided not less than fifty (50) percent of the front yard shall remain in open space free of impervious surface.
- C. For zero lot line dwellings, duplexes, and family care facilities, only two (2) of the required parking spaces may be provided within the front yard on a regularly constructed drive, provided not less than fifty (50) percent of the front yard shall remain in open space free of impervious surface.

**(3) Rear Yard.**

- A. Parking and stacking spaces, drives and aisles may be located within a rear yard.  
(Ord. 15-42. Passed 2-17-15.)

### **1153.05 PARKING FOR DISABLED PERSONS.**

Parking for disabled persons must be provided in accordance with the Americans with Disabilities Act.

(Ord. 15-42. Passed 2-17-15.)

### **1153.06 SPECIAL VEHICLE PARKING AND STORAGE.**

Except as permitted below, a special vehicle may be parked and stored on a lot in an R District but only upon meeting the following requirements:

**(a) General.**

(1) **Definitions.** The following definitions shall be applicable to this section.

- A. **Special vehicle.** A vehicle more than seven and one-half (7 1/2) feet in height or more than twenty (20) feet in length which is or may be transported or drawn upon a highway, street or body of water. Such vehicles include but are not limited to a truck, trailer, tractor, wagon, or watercraft exceeding these dimensions. Such vehicles do not include temporary construction trailers when associated with an active construction project on the premises.
- B. **Storage area.** A space used for storage of a special vehicle and at least equal in size to the outer perimeter of the special vehicle.
- (b) In RS-5, RS-8, and RM-12 districts special vehicles may be stored on a well-maintained gravel pad in the rear yard that is a minimum of five (5) feet from side and rear yard property lines.
- (c) Except for the purpose of making local deliveries, no special vehicle designed for the shipment of detonable materials and explosives; flammable/combustible solids, liquids or gasses; nor hazardous materials as defined by the Ohio Department of Transportation shall be parked or stored on any lot in an R district.
- (d) Special vehicles used for commercial purposes shall not be stored in any R district except the RM-44A district.

(Ord. 15-42. Passed 2-17-15.)

#### **1153.07 RESTRICTED BUSINESS OR MANUFACTURING ACCESSORY PARKING AREAS.**

The Board of Zoning Appeals may authorize, as a conditional use, the establishment of a restricted accessory parking area in such parts of residential districts as abut directly or across an alley from any existing commercial structure, or as abut directly or across an alley or street from any existing industrial structure, subject to the provisions of this section.

- (a) The parking area shall be accessory to and for use in connection with one (1) or more businesses or industrial establishments located as noted above.
- (b) Any portion of any entrance to or exit from such parking area shall be at least twenty (20) feet from any adjacent lot line located in an RS district and shall be located not more than ninety (90) feet from the property it is intended to serve.
- (c) The parking area shall not be closer to any street right-of-way line than the front yard requirement for a principal building as required in the district in which such parking areas are located.
- (d) The parking area must meet the screening requirements of Subsection 1161.02(h). No advertising shall be allowed on the above-described screening.
- (e) The design and location of entrances, exits, and surface drainage shall be subject to all laws and ordinances pertaining thereto and subject to the approval of the City Engineer or Engineer's designee.
- (f) No sign of any kind shall be maintained on the lot other than to designate exits, entrances, and conditions of use, which signs shall be no larger than four (4) square feet.
- (g) The parking area shall be for the use of parking passenger vehicles only and no fee shall be charged.
- (h) Any lighting used to illuminate any off-street parking areas shall be so located and oriented so as to reflect the light away from adjoining lots located in any R district.
- (i) Any such application approved by the Board may be revoked after public hearing at any time that the aforementioned requirements are not met. If parking rights are revoked by the Board for noncompliance with the requirements established by this section or by the Board, the lot area shall no longer be used for private parking.
- (j) All applicants desiring to establish business or industrial parking within the meaning of this section shall submit to the Board a plan which clearly indicates the proposed development, including the location and arrangement of the parking area dimensions, all entrances and exits, landscaping, location, and method of screening, sign locations, and sizes.

(Ord. 15-42. Passed 2-17-15.)

#### **1153.08 PARKING LOT PERMIT APPLICATION.**

The construction of new and/or modified parking lot areas, except those associated with new development projects, shall require the submission of a parking lot permit application for approval by the Community Development Director or Director's designee. The application shall include the following:

- (a) Parking Lot Permit Application Form
- (b) Proof of Ownership or Ownership Affidavit
- (c) Site Plan that includes the number of parking spaces with landscaping and drive/ aisle area to scale
- (d) Stormwater Management Plan and Report (Includes Stormwater Calculations (Refer to Chapter 961 of the Springfield Codified Ordinances)
- (e) Stormwater Pollution Prevention Plan (SWPPP) required for sites that disturb one (1) acre or more
- (f) Notice of Intent (NOI) from Ohio EPA for sites that disturb one (1) acre or more
- (g) Application Fee = \$150, plus \$1.00 per parking space. (Additional review fees apply if more than one (1) acre of land is disturbed - see Chapter 961)

If the Director or Director's Designee determines that the proposed parking lot meets the applicable requirements of this Chapter the Director or Director's Designee shall issue a parking lot permit.

Upon approval of the parking lot permit application the owner/developer has six (6) months to complete the construction of the new commercial parking area. The owner/developer shall notify the Community Development Director or the Director's designee of the completion of construction activities. At that time the Community Development Director or Director's designee and the City Engineer or the Engineer's designee will inspect the lot and determine whether it conforms to the approved plans. If the commercial parking area construction has been approved, the Community Development Director or Director's designee will issue a certificate of completion to the owner/developer of the commercial parking area.

(Ord. 15-42. Passed 2-17-15.)

## CHAPTER 1155

### Sign Requirements

- 1155.01 Purpose; signs regulated.**
- 1155.02 Definitions.**
- 1155.03 Signs not requiring a permit.**
- 1155.04 Specific signs requiring a permit.**
- 1155.05 Prohibited signs.**
- 1155.06 Signs permitted by sign district.**
- 1155.07 Additional regulations.**
- 1155.08 License and permit requirements.**
- 1155.09 Construction, maintenance, and abandonment requirements.**

Map Legend Sign Type

Tables

#### **1155.01 PURPOSE; SIGNS REGULATED.**

(a) It is the purpose of the sign regulations to enhance and protect the physical appearance and safety of the community, to protect property values and to promote the preservation of Springfield's areas of natural, historic and scenic beauty. It is further intended to reduce distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs projecting over public rights of way, provide for a reasonable opportunity for all sign users to display their messages without interference from other signage, and to provide for fair and equitable treatment of all sign users. This code addresses the current advertising, communication, and identification trends and needs of sign owners, sign viewers, and the community. This sign code is intended to protect public health, safety, and welfare and be consistent with applicable legal requirements. These regulations are intended to reduce visual clutter, unsafe distractions to the traveling public, and provide visual organization of sign structures by arranging sign types into approved sign districts that order property by context, land use, and thoroughfare characteristics.

(b) No sign shall be erected or altered in any manner without compliance with the regulations stated herein.

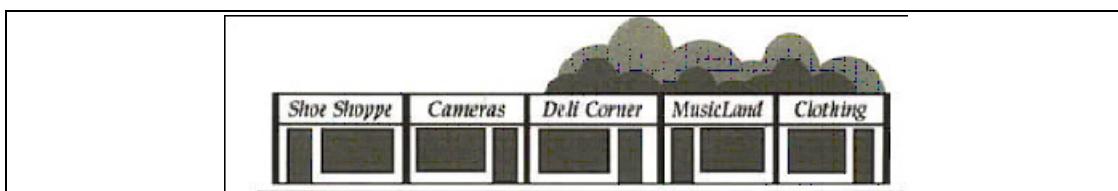
(c) These regulations are structured within the two general categories of temporary and permanent signs. Temporary signs are governed by the provisions of Subsection 1155.08(e) and are permitted in addition to permanent signs permitted under this Chapter. Permanent signs may be either off premises or on premises signs. Off premises signs are governed by the provisions of Subsection 1155.04(a)(6). All on premises signs are governed by the regulations of the sign district in which they are located.

(Ord. No. 10-242. Passed 8-3-10.)

#### **1155.02 DEFINITIONS.**

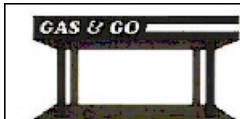
The following definitions shall be applicable to the provisions of these sign requirements. The definitions contained in Chapter 1102 of this Code shall apply to all terms not defined in this chapter.

- (a) (1) **Abandoned Sign.** A sign which continues to be in a state of structural, mechanical, and or general disrepair and in violation of the Property Maintenance Code, Chapter 1305 for a period of 60 consecutive days after the City has notified the owner of the sign that the sign is in a state of structural, mechanical, and or general disrepair and in violation of the Property Maintenance Code, Chapter 1305.
- (2) **Alteration.** Any change to a sign that does not constitute repair.
- (3) **Animated sign.** A sign depicting action or motion through electrical or mechanical means.
- (4) **Architectural detailing.** Any construction appertaining to but not being an integral part of the sign, consisting of landscape or structural features that embellish the site in general. Architectural detailing includes, but is not limited to, aesthetic embellishments such as flower plantings, wood carving, wrought or cast iron ornamentation, stone or brick ornamentation, or metal work decoration.
- (5) **Awning sign.** A building sign placed on the surface of an awning. (See graphic example below. Source: United States Sign Council)



- (b) (1) **Balloon.** An inflatable bag filled with gas and displayed in such a way as to attract attention to the premises on which it is located.
- (2) **Banner.** A sign on a strip of flexible material such as cloth, paper or plastic.
- (3) **Bench Billboard.** An off-premise sign on which poster panels, bulletins, and/or copy are mounted and which is designed to function and appear like a bench for seating.
- (4) **Billboard.** An off premises sign on which poster panels or bulletins are mounted.
- (5) **Building sign.** Any sign which is in any way attached to a building or to an appurtenance of a building; excluding signs inside the building and banners.

- (c) (1) **Canopy sign.** A building sign attached to or in any way incorporated with the face or underside of a canopy, marquee, or any other similar building projection. (See graphic example below, Source: United States Sign Council)



- (2) **Common sign.** A sign which serves two or more uses. (See graphic example below, Source: United States Sign Council)



- (3) **Construction sign.** A sign pertaining to the construction activities performed on a construction site and/or announcing the future use of the structure which is the subject of construction activities.

- (d) (1) **Development sign.** A sign identifying a large scale residential development.

(2) **Digital Dynamic Display Sign (Single Color).** A sign whose informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable elements. These signs display text and/or graphics in a single color on a black background. These signs may be capable of displaying more than one color, but only display a single color at a time. These signs are illuminated signs.

(3) **Digital Dynamic Display Sign (Multi Color).** A sign whose informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable elements. These signs display text and/or graphics and utilize multiple colors. These signs are illuminated signs.

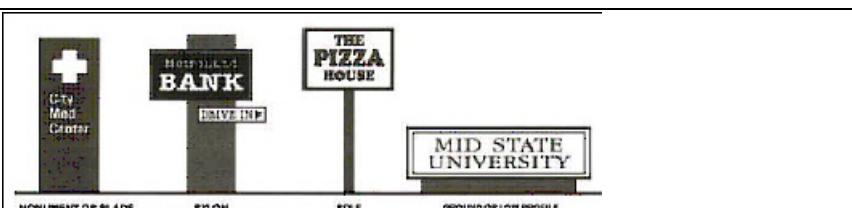
(4) **Directional sign.** A sign exclusively for the purpose of giving directions to pedestrian or vehicular traffic.

(e) Reserved.

(f) (1) **Fascia sign.** A single faced building sign that is mounted on exterior wall of a building.

(2) **Flag, public.** A public flag is any flag displaying the name, insignia, emblem or logo of the United States, the State of Ohio, the City or the flag of any other government.

(3) **Free standing sign.** A sign which is supported by one or more up rights or braces which are anchored in or on the ground, and which is not attached to any building or wall. (See graphic example below, Source: United States Sign Council)



(g) Reserved

(h) (1) **Hazardous sign.** A sign which, because of its construction or state of disrepair may fall or cause possible injury to passers by, as determined by the Building Official; a sign which because of its location, color, illumination or animation, interferes with, obstructs the view of or is confused with any authorized traffic sign, signal or device or interferes with, misleads, or confuses traffic.

(2) **Home Occupation Sign.** A fascia sign mounted on a residential building and advertising a home occupation conducted from the lot on which the residential building is located.

(i) (1) **Illuminated sign.** A sign in which a source of light other than sunlight is used to make the message readable.

(2) **Institutional sign.** A sign for a religious institution, educational institution, library, community center, civic, cultural or historic institution, nursing home, hospital or similar institution and the announcement of its service or activities.

(3) **Integral sign.** A sign carved into stone, concrete or other building material, or made of bronze, aluminum or other permanent type of construction and made a part of the structure into which it is incorporated.

(j) Reserved

(k) Reserved

(l) (1) **Large scale residential development.** A residential subdivision consisting of 10 acres or more or a development consisting of more than 29 dwelling units on a separate tract of two acres or more.

(m) (1) **Monument sign.** There are three different types of monument signs described in this code, as follows:

(2) **Monument sign (Traditional):** A sign which is mounted on a structure with an open area below the sign face that is less than 50% of the total height of the sign. (See graphic example below, Source: United States Sign Council)



- (3) **Monument sign (Foundation):** A sign permanently mounted or appearing to be mounted on a footer in the ground along its full length and is less than 10 feet in height. (See graphic example below, Source: United States Sign Council)



- (4) **Monument sign (Monolith):** A sign permanently mounted or appearing to be mounted on a footer in the ground along its full length and is more than 10 feet in height. (See graphic example below, Source: United States Sign Council)

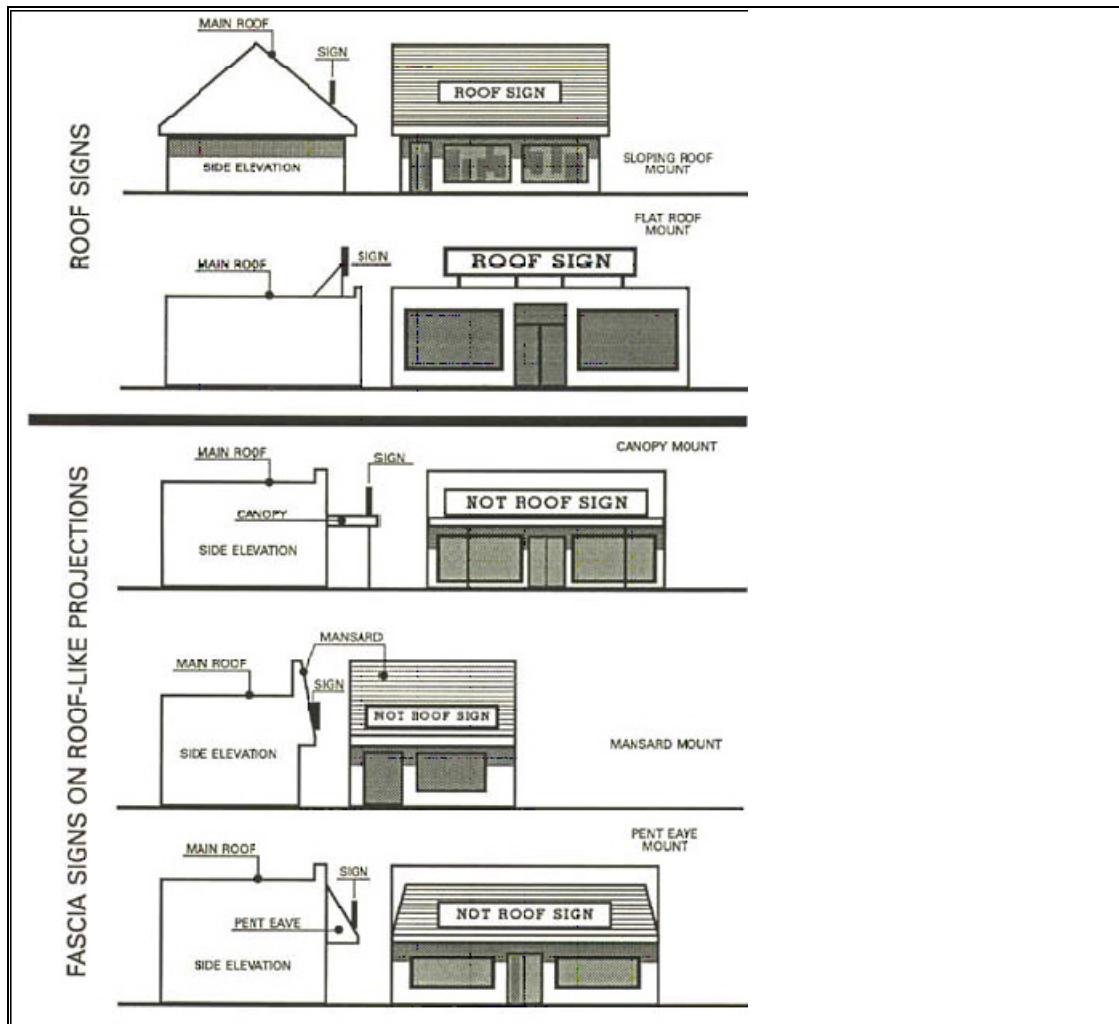


- (n) (1) **Non conforming sign.** A sign, other than a prohibited sign, that does not comply with the regulations of the sign district in which it is located by reason of these or any other regulations adopted after the erection of the sign.
- (2) **Nit.** The unit of measurement for the total amount of light emitted, or luminance, from a sign divided by the surface area of the sign (candelas per square meter ( $cd/m^2$ )). The "International System of Units" unit for luminance is candela per square metre ( $cd/m^2$ ). The common term for the same unit is the "nit". Luminance is used in the video industry to characterize the brightness of displays.
- (o) (1) **Off premises sign.** A sign which directs attention to an off-site use or to products or services sold elsewhere.
- (2) **On premises sign.** A sign which directs attention to a use conducted on the lot on which the sign is located.
- (p) (1) **Painted sign.** A sign painted directly on an exterior surface of a building, other than on a window.
- (2) **Permitted sign.** A sign which is allowed in the sign district in which it is listed, subject to compliance with the requirements of the sign requirements.
- (3) **Portable sign.** A sign that is not designed to be anchored or secured to either a building or the ground.
- (4) **Prohibited sign.** A sign which are forbidden to be erected or displayed.
- (5) **Projecting Sign.** Any sign that is attached to a building wall and that extends away from (i.e., is not parallel to) the building wall, or any sign that is attached to a building wall and is parallel to the building wall but suspended more than six inches from the building wall, or any sign suspended beneath a canopy, ceiling, roof, or marquee, intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof, or marquee. A sign suspended beneath a canopy or a marquee near the traveled portion of the street is also a projecting sign though its message may not be visible to a pedestrian from the sidewalk. (See graphic example below, Source: United States Sign Council)



- (6) **Provisional sign.** A sign which is permitted in a sign district under certain circumstances.

- (7) **Public art.** Any work of art exposed to public view from any street right of way for the enjoyment of the public.
- (8) **Public sign.** A sign of a non commercial nature and in the public interest erected by or upon the order or authorization of the City or other public agency. The term "public sign" includes but is not limited to a safety sign, zoning sign, memorial plaque, sign for structures or sites of historical interest.
- (q) Reserved.
- (r) (1) **Real estate sign.** A sign pertaining to the sale, the rental or lease of the premises or part of the premises on which the sign is located.
- (2) **Roof.** A roof is the outside surface of a building which is constructed at an angle of less than forty-five (45) degrees from the horizontal plane. The outside surface of a building which is constructed at an angle of forty-five (45) degrees or more from the horizontal plane is a wall and not a roof.
- (3) **Roof sign.** A sign erected upon or above a roof of a building and affixed to the roof. (See graphic example below, Source: United States Sign Council)



- (s) (1) **Seasonal decoration.** A display pertaining to celebration of a religious or cultural holiday or commemoration of a historic event or personage, observed during a particular season of the year. A seasonal decoration is not a sign.
- (2) **Sign.** Any communication, which is visible to the public from a street or public right of way, using graphics, symbols, reading matter, letters, numerals, pictorial representations, emblems, trademarks, inscriptions, color, illumination, geometric or non-geometric shapes or planes. The term "sign" does not include public art, sculptured landscaping, seasonal decorations, public flags, directional symbols on paved surfaces or messages painted on or otherwise permanently attached to the body of a motor vehicle or a trailer designed to transport freight.
- (3) **Sign face.** The surface of the sign upon which is affixed reading material, letters, numerals, pictorial representations, emblems, trademarks, inscriptions and/or patterns.
- (4) **Sign leg.** A sign supporting structure designed to rest upon the ground to support the sign rather than being imbedded in the ground.
- (5) **Sign wall.** The wall of a building upon which a sign is mounted and which has a slope of forty-five (45) degrees or greater from the horizontal plane. See the definition of "roof."
- (6) **Spinner.** A device shaped in a form similar to a propeller and designed to rotate in the wind to attract attention to the premises on which it is located.
- (7) **Swinging sign.** A sign which, because of its design, construction, suspension or attachment is free to swing or move noticeably because of pressure from the wind.
- (t) (1) **Temporary sign.** A nonpermanent sign not permanently affixed to the ground or a building. Banners, portable signs, trailer signs, and other similar nonpermanent signs are regulated as temporary signs.
- (2) **Trailer Sign.** A sign mounted on wheels or sign legs. All trailer signs are temporary signs and are permitted and regulated as

- temporary signs.
- (u) (1) **Use.** For the purpose of the sign requirements, use shall mean a principal use as defined in this code.
- (v) Reserved.
- (w) (1) **Window sign.** A building sign permanently affixed to a window, embedded in a window intended to communicate its message to passersby from the outside. The term "window sign" does not include merchandise or product displays, posters, and other signs located inside the building though visible through a window.
- (x) Reserved.
- (y) (1) **Yard sale sign.** A temporary sign for a yard sale or a garage sale.
- (z) Reserved.

(Ord. No. 10-242. Passed 8-3-10.)

#### **1155.03 SIGNS NOT REQUIRING A PERMIT.**

The following signs may be erected without a permit in addition to the signage allowed in each sign district. These signs shall not be applied toward the maximum sign area allowance specified in the districts, except as otherwise indicated in this subsection.

- (a) **Construction signs.** Non illuminated construction signs not to exceed a total of 12 square feet, six square feet per sign face (for a double faced sign) in Residential Sign Districts and residentially zoned area and a total of 64 square feet, 32 square feet per sign face (for a double faced sign) in other sign districts, shall be permitted for each lot. Such signs shall not exceed a height of five feet in a residential sign districts or 10 feet in other districts nor be closer than five feet to any property line unless located on the wall of a building, fence or protective barricade surrounding the construction. Construction signs shall be removed prior to the issuance of a Certificate of Occupancy.
- (b) **Portable signs** attached to or being held by a natural person.
- (c) **Window signage** not exceeding a maximum area of two square feet.
- (d) **Public signs**
- (e) **Real estate sign.** One non illuminated real estate sign not to exceed twelve square feet, six square feet per sign face (for a double faced sign), in residential districts or sixty-four square feet, thirty-two square feet per sign face (for a double faced sign), in other districts, shall be permitted on each lot. Such signs shall not exceed a height of five feet in residential districts, 10 feet in other districts, nor be closer than five feet to any property line unless located on the wall of a building or fence. Such signs shall be removed within five days after the sale or lease of the property.
- (f) **Posters** and other non permanent signs inside a building and showing through windows which are not window signs.
- (g) **Yard sale signs** located on the site of the sale; not to exceed a maximum number of two signs and a maximum area of four square feet for each sign.
- (h) **A street address:** The figures of such number shall be not less than three inches in length and shall be painted or shall be made of metal, porcelain or other durable material.
- (i) Signs, other than real estate signs, construction signs, monument signs, development signs, building signs and yard sale signs, which are erected on property used for residential purposes by the owners or occupants of such property; excepting, development signs and signs constructed with a sign board exceeding six square feet.

(Ord. No. 10-242. Passed 8-3-10.)

#### **1155.04 SPECIFIC SIGNS REQUIRING A PERMIT.**

The following specific signs may be erected in accordance with the requirements of Section 1155.06. These signs shall be applied toward the maximum sign area allowance specified in each sign district, except as otherwise indicated in this subsection.

- (a) **Development sign.** One foundation monument sign in Residential District or residentially zoned lots shall be permitted at each street entrance to a large scale residential development; provided the following requirements are met:
1. The sign shall not exceed a total area of forty square feet, twenty square feet per sign face (for a double faced sign), nor a height of six feet. Architectural features of the sign shall not be included in calculating the sign area.
  2. The distance between two development signs shall be no less than 150 feet as measured along the frontage of the lot.
  3. The sign shall not be located closer than 25 feet to a street right of way line.
  4. The area of a development sign may be increased by one square foot for every linear foot it is setback in excess of 25 feet.
- (b) **Directional signs.**
1. Such signs shall not exceed a total of four square feet or two square feet per sign face (for a double faced sign) in Residential District or residentially zoned lots, or a total of six square feet, three square feet per sign face (for a double faced sign), in all others.
  2. Larger directional signage may be permitted with a conditional use permit.
- (c) **Institutional sign.** A foundation monument institutional sign shall be permitted for uses listed in section 1155.02 (i) (2) Institutional sign shall not exceed a total of 48 square feet, 24 square feet per sign face (for a double faced sign), shall be permitted for each institution. Not more than one institutional sign may be permitted along each street providing access to the institution. No institutional sign shall exceed a height of five feet above grade. Architectural features of the sign shall not be included in calculating the sign area. The area of a institutional sign may be increased by one square foot for every linear foot it is setback in excess of 25 feet.
- (d) **Integral signs.** Integral signs existing prior to the adoption of these regulations shall not be applied toward the maximum sign area allowance for the building into which they are incorporated.
- (e) **Additional real estate sign.** In addition to the real estate signs described in this subsection, a nonresidential subdivision or development of greater than two acres in size may display not more than one additional, non illuminated real estate sign. Such sign shall not exceed a total of 64 square feet or 32 square feet per sign face for a double faced sign, nor a height of six feet and shall be removed upon the sale or lease of ninety-five percent of the lots or units in the subdivision or development. Such signs shall not be applied toward the maximum signage allowance specified in each sign district.
- (f) **Off-premises signs.**
1. Off-premises signs shall not be permitted in Residential, Mixed Neighborhood, and Downtown sign districts. Off-premises signs

- may be constructed as billboard signs or any other type of sign allowed in the sign district in which the sign is located.
2. Not more than one off-premises sign may be erected or maintained per lot. Two or more uses may erect a common off-premises directional sign. No off-premises sign shall be erected closer than 300 feet to another off-premises sign.
  3. No off-premises sign shall be located on or within 200 feet of a Residential District or residentially zoned lot, a public parking area, school, religious institution, cemetery, public museum, or the administrative, legislative, or judicial offices of government institutions.
  4. An off-premises sign shall be permitted in addition to the on-premises signage permitted on a lot. However, the area of the off-premises sign shall be deducted from the total sign area allowed for the same type of on-premises sign.
  5. Off-premises billboard signs shall not exceed a height of 35 feet above the height of the nearest street grade.
  6. With the exception of bench billboards which are regulated under subdivision J, below, all off-premises billboard signs shall be permitted a maximum area of 144 square feet or 72 square feet per sign face for a double-faced sign; however, off-premises billboard signs must comply with Subsection 1155.04(f)(4) hereof.
  7. Off-premises signs shall comply with all other sign requirements of the sign district in which they are located.
  8. Off-premises signs shall not be permitted in any OHP Historic Preservation Overlay District.
  9. Off-premises signs which otherwise comply with every other applicable provision of this Zoning Code shall be specifically permitted upon properties abutting any route within the City designated by the federal or state governments, or National Road Ohio Scenic Byway Advisory Group, or any like organization, as a "Scenic Byway."
10. All bench billboards shall comply with the following:
- A. Design Guidelines:
    - i. The length of the bench billboard shall not exceed six feet or 72 inches.
    - ii. The height of the bench billboard shall not exceed three and one half feet or 42 inches from the ground.
    - iii. Bench billboards shall not weigh more than 250 pounds.
    - iv. Seats - seat boards shall consist of two inch by six inch boards of metal, composite, or wood construction cut to appropriate lengths and sufficiently protected against weatherization.
    - v. Copy face - the back of the bench upon which sign copy may be attached may not exceed twelve square feet and is to be constructed of metal and/or a minimum one-half inch plywood. Exterior grade paint must be used for any painted surfaces.
    - vi. Support legs - Support legs and required armrests are to be constructed of concrete and/or metal.
    - vii. Armrests - Armrests shall be required on all bench billboards exceeding 36 inches in length and shall be placed in the center and ends of the bench. Armrests are to be constructed of metal, concrete, or wood.
    - viii. The bench billboard must be placed on a continuous permanent dust-free surface of sufficient size and composition to maintain the stability of the bench billboard. Bench billboards shall rest completely within the footprint of said surface.
    - ix. Bench billboards not firmly attached to the ground shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.
  - B. A property owner may allow a bench billboard to be placed on private property subject to the following limitations:
    - i. A sign permit is required for each bench billboard.
    - ii. No bench billboard is permitted to be located within the public rights-of-way; except when the owner of the bench billboard has entered into a contract with the City of Springfield for placement of bench billboards upon public rights-of-way.
    - iii. Bench billboards to be placed on private property may be permitted only for those locations meeting the criteria for off-premises signs set forth in 1155.04(f) of this Zoning Code.
    - iv. Bench billboards shall be placed so as to not interfere with or obstruct the clear vision of pedestrians and motorists to detect approaching traffic at intersections; nor impeded the ability of pedestrians to travel along public rights-of-way.
  - C. All benches shall be maintained in accordance with the City's Property Maintenance Code, Chapter 1305. Any bench billboard which has fallen into such a state of disrepair or has suffered such damage and wear so as to be not in compliance with the City's Property Maintenance Code or is otherwise dangerous to use shall be promptly and without delay removed or repaired.
  - D. Bench billboards shall be removed promptly and without delay from locations when the sign permit for the bench billboard expires and no immediately succeeding permit is obtained.
  - E. Bench billboards may be located within the public rights-of-way only when the owner of the bench billboard has entered into a contract with the City of Springfield authorizing placement of the bench billboard upon public rights-of-ways. And when such location meets these requirements:
    - i. Bench billboards shall be placed on locations meeting the criteria for off-premises signs set forth in 1155.04(f) of this Zoning Code.
    - ii. Bench billboards shall be placed so as to not interfere with or obstruct the clear vision of pedestrians and motorists to detect approaching traffic at intersections; nor impede the ability of pedestrians to travel along public rights-of-way.
    - iii. No bench billboard shall contribute to visual clutter or create a dangerous distraction or obstruction for pedestrians and motorists.
- (g) Temporary signs must be removed upon expiration of the temporary sign permit.  
 (h) Any other sign that is not listed in Section 1155.04 as a sign not requiring a permit.

(Ord. No. 10-242. Passed 8-3-10.)

## **1155.05 PROHIBITED SIGNS.**

Signs prohibited are:

- (a) Animated signs, except signs permitted in the Downtown Sign District.
  - (b) Abandoned signs.
  - (c) Balloons.
  - (d) Hazardous signs, including portable signs attached to or being held by a natural person.
  - (e) Non public signs located on or over public rights of way except as hereinafter permitted in the Downtown Sign District, and except for bench billboard when the owner of the bench billboard has entered into a contract with the City of Springfield
  - (f) Portable signs except for portable signs attached to or being held by a person and those portable signs for which a Temporary Sign Permit has been issued.
  - (g) Roof signs.
  - (h) Spinners and other similar devices.
- (Ord. No. 10-242. Passed 8-3-10.)

#### **1155.06 SIGNS PERMITTED BY SIGN DISTRICT.**

The locational and development regulations governing the sign districts identified on the Springfield Sign District overlay map to the City's zoning map are delineated in the following tables, which are included at the end of this Chapter.

Map A: District Overlay Map

Table B: Commercial Highway Sign District

Table C: Commercial Arterial Sign District

Table D: Mixed Neighborhood Sign District

Table E: Mixed Urban Sign District

Table F: Downtown Sign District

Table G: Residential Sign Districts

Table H: Manufacturing Sign District

Table I: Green Space/Agricultural Sign District

- (a) G zoning district requirements. The following requirements shall apply to Zoning Code Section 1126 G districts: Institutional signs shall be permitted as regulated in Section 1155.04 (c) or any other sign approved by City Commission.
- (b) Non-conforming Residential Uses. Lawful, non-conforming residential uses shall be permitted those signs permitted to the residential sign district.

(Ord. No. 10-317. Passed 10-12-10.)

#### **1155.07 ADDITIONAL REGULATIONS.**

**(a) Dimensional requirements.**

- (1) **Maximum sign area.** The maximum number of signs and the maximum sign areas, as provided herein, shall be applied on a per lot basis (except in the RM-44A zoning district where they shall be applied on a per building basis.)
  - A. Free standing and monument signs. An individual sign area allowance is the sum of the total areas of all the sign faces of that sign.
  - B. The building wall sign allowance shall be calculated based on the square feet of the wall on to which the sign will be placed. The wall sign maximum area allowance shall be determined as percentage of the overall wall area of the wall onto which the sign will be placed. In the case of two or more uses or occupants in a single building, the allowable maximum wall signage for each user shall be calculated as a percentage of the building elevation area devoted to that tenant.
- (2) **Sign wall area.** Where maximum size of a sign is determined by the sign wall area, the sign wall area shall be the total area of the building elevation on to which the sign is to be mounted.
- (3) **Sign area determination.** The area of each sign, regardless of shape, shall be computed by determining the area of a triangle, rectangle or circle which completely encloses the outer perimeter of the sign face exclusive of the structural supports but inclusive of architectural features, or which completely encloses the whole group of characters or words in the case of a sign composed of characters or words attached directly to a building or an appurtenance to a building.
- (4) **Sign height determination.** The maximum height of a sign shall be measured from the established grade of the ground on which the sign is erected to the highest point of the sign. In the case where a minimum height is established, the minimum height shall be measured from the established grade of the ground on which the sign is erected to the highest point of the sign face.

**(b) Locational requirements.**

- (1) Except in the Downtown sign district, no off premise sign, canopy, free standing or monument sign which is over two-and-one-half feet above grade shall be located within a triangular area at street intersections, where the triangle is measured from the intersection of right-of-way lines and its sides are 60 feet in length along arterial streets, 40 feet in length along collector streets, and 20 feet in length along local streets except if the sign is 10 feet or more above grade with its single support structure being one foot wide or less.
- (2) Except in the Downtown sign district, no off premise sign, canopy, free standing or monument sign which is over two-and-one-half feet above grade shall be located within a triangular area where an alley or private drive intersects a street where the triangle is measured from the intersection of street right-of-way line and edge of the alley or drive and its sides are 70 feet in length along the right-of-way line and eight feet along the alley or drive edge except if the sign is 10 feet or more above grade with its single support structure being one foot wide or less.
- (3) No part of a monument sign or freestanding sign support shall be located within five feet of any lot line and no part of any other sign or sign support shall overhang any lot lines except for signs projecting over right-of-way lines as hereinbefore permitted in the Downtown sign district.
- (4) No sign shall obstruct ingress to or egress from any door, window or fire escape. No sign shall be attached to a standpipe or

fire escape.

- (5) Building signs maybe located on any building wall.

(c) **Requirements for illuminated signs.** Illuminated signs shall conform to the following requirements:

- (1) All permitted signs may be internally or externally illuminated. Those signs permitted in the Residential Sign District or residentially zoned lots may only be illuminated with white light.
- (2) All types of artificial light sources used to illuminate a sign face which are not shaded or concealed so that the light will not interfere with the vision of motor vehicle operators or shine directly on residential property in any Residential Sign District or residentially zoned area, and illumination which flashes or simulates movement, shall be prohibited.
- (3) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
- (4) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
- (5) These signs must be equipped with a mechanism that automatically adjusts the brightness to maintain compliance with the illumination standards of this subdivision (c).
- (6) These signs must be equipped with a means to immediately turn off the display or lighting if it malfunctions and/or poses a threat to public safety. The owner of these signs must immediately turn off the sign and/or lighting when ordered to do so by the City if the sign cannot be immediately adjusted to comply with the illuminated sign standards set forth in these regulations or it otherwise poses a threat to public safety.
- (7) Illuminated signs must adhere to the following standards listed in Tables 1 and 2.

Table 1: These are the Maximum Luminance Standards for daytime hours and are measured in nits (one candela per square meter (1 cd/m<sup>2</sup>). During the time between the First Sunday in November through the Second Sunday in March the standard daytime hours are 7:30 a.m. until 6 p.m. During the time between the Second Sunday in March through the First Sunday in November the standard daytime hours are 6 a.m. until 7:30 p.m. (Times based on information provided by the Astronomical Application Department of the U.S. Naval Observatory)

DAYTIME MAXIMUM NITS BY SIGN DISTRICT			
Ag and Residential	Mixed Neighborhood	Mixed Urban and Manufacturing	Commercial Arterial, Commercial Highway, and Downtown
100	600	800 (600 in inclement weather, such as fog, rain, or snow)	1000 (600 in inclement weather, such as fog, rain, or snow)

Table 2: These are the Maximum Luminance Standards for nighttime hours and are measured in nits (one candela per square meter (1 cd/m<sup>2</sup>). During the time between the First Sunday in November through the Second Sunday in March the standard nighttime hours are 6 p.m. until 7:30 a.m. During the time between the Second Sunday in March through the First Sunday in November the standard nighttime hours are 7:30 p.m. until 6 a.m. (Times based on information provided by the Astronomical Application Department of the U.S. Naval Observatory)

Nighttime Maximum Nits by Sign District			
Ag and Residential	Mixed Neighborhood	Mixed Urban and Manufacturing	Commercial Arterial, Commercial Highway, and Downtown
30	200	200	500 (200 in inclement weather, such as fog, rain, or snow)

(d) **Non conforming status.**

- (1) All signs, which are not obsolete and which are or become non conforming by adoption of these regulations, shall be permitted to remain as non conforming signs.
- (2) Non-conforming signs that are obsolete, being signs on which the copy face no longer contains advertising material or is not used for advertising purposes, the business is no longer at that location, the event has past, or the sign is illegible, must be removed after a 365 consecutive day period of obsolescence. The following process will be adhered to for such non-conforming :
  - A. Notice to be sent to property owner notifying them that their sign has 365 days to become conforming.
  - B. Notice to be sent to property owner notifying them that their sign has 90 days to become conforming.
  - C. Notice to be sent to property owner notifying them that their sign has 30 days to become conforming.
  - D. Notice to be sent to property owner on the 366th day with a scheduled date of demolition to be paid for by the property owner.
- (3) Owners of non conforming signs shall be required to comply with the maintenance provisions of Section 1155.09. Any change

or alteration to a non conforming sign shall require compliance with the provisions of this Chapter.

- (4) Owners of non-conforming single-faced off-premises billboard signs may double-face such structure (up to 300 square feet) by one square foot for every two square feet of lawfully existing non-conforming off-premises billboard sign area (in applicant's ownership) removed from the City of Springfield.

(e) **Signs for nonconforming uses.** Refer to Section 1171.02(b)(3).

(f) **Historic and Cultural sign provisions.** The following signs shall be regulated in accordance with the criteria indicated:

- (1) Historic signs, signs for historic structures and signs on structures in historic districts. The Board of Zoning Appeals may, by conditional use, allow signs which do not conform to the provisions of this Chapter under the circumstances described below. All applications for special exceptions in a Historic District shall be referred to the Historic Landmarks Commission for review and comment before and after the Board of Zoning Appeals hearing, and shall be subject to the specific standards listed below and to the general standards of Section 1172.05
- A. For buildings placed on the National Register of Historic Places or located in an OHP district, signage which does not conform with the provisions of this chapter may be allowed if it is in keeping with the architectural character of the structure, and is appropriate to a particular period in the building's history or an integral part of its identity.
- B. The Board may exempt a proposed or an existing sign from the provisions of Subsection 1155.07(f)(1)A if it can be demonstrated that said sign makes a significant artistic or historic contribution to the community or neighborhood in which the sign is located.
- (2) Drive-thru menu displays. The portion of the sign face of a drive-thru menu display on which items for sale and their prices are listed shall not be included in calculating the number of square feet of signage in applying maximum signage allowance specified in each sign district; provided that such portion of the sign face of a drive-thru menu display on which items for sale and their prices are listed does not exceed 40 square feet.

(g) **Digital Dynamic Display Sign Operational Regulations.**

- (1) Digital Dynamic Display Sign (Single Color). Owners of Digital Dynamic Display Single Color Signs shall operate their sign in conformance with the following :

- A. Shall comply with all locational and development regulations in tables located in Section 1155.06.
- B. These signs shall be operated so that the sign message remains constant for a period of at least eight seconds before changing to another sign message.
- C. These signs shall not have continual motion.
- D. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.
- i. There shall be no left and right flow of messages
- ii. No up and down scrolling or otherwise
- iii. No moving or flashing of images displayed on the sign
- iv. No cross fade with simultaneous dissolve and appearance of sign messages.
- E. Each sign shall be operated in conformance with the illuminated sign standards in Section 1155.07(c).
- F. Digital Dynamic Display Single Color Signs shall use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:
- i. All Digital Dynamic Display signs shall have installed equipment that will automatically adjust luminance based on time of day in order to be compliant with this Ordinance.
- ii. These signs must be equipped with a means to immediately turn off the display or lighting if it malfunctions and/or poses a threat to public safety, such as fails or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects.
- iii. The owner of these signs must immediately turn off the sign and/or lighting when ordered to do so by the City when the City has determined that it is not complying with the illuminated sign standards set forth in these regulations or it otherwise poses a threat to public safety, if the sign cannot be immediately adjusted to comply with the illuminated sign standards set forth in these regulations and cease to pose a threat to public safety. A malfunctioning sign or a sign not in compliance with these operational standards shall remain turned off until it may be restored to operate in conformity to the requirements of this ordinance.
- iv. Written certification and photometric plan from the sign manufacturer or a professional engineer must be provided at the time of application for a sign permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this Ordinance, and an affidavit signed by the owner that the preset intensity level will not be increased in excess of standards set forth in Section 1155.07(c).
- v. A copy of the operations manual must be submitted with sign permit application.

- (2) Digital Dynamic Display Sign (Multiple Color). Owners of Digital Dynamic Display Multi-Color Signs shall operate their sign in conformance with the following regulations:

- A. Shall comply with all locational and development regulations in tables located in Section 1155.06.
- B. These signs shall not have continual motion.
- C. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.
- i. There shall be no left and right flow of messages
- ii. No up and down scrolling or otherwise traveling
- iii. No moving or flashing of images displayed on the sign

iv. No cross fade with simultaneous dissolve and appearance of sign messages.

D. Each sign shall be operated in conformance with the illuminated sign standards in Section 1155.07(c).

E. Image transition timing requirements:

i. Commercial Highway Sign District: All signs shall be operated so that the sign message remains static for a period of eight seconds before changing to another sign message.

ii. Commercial Arterial Sign District: All signs shall be operated so that the sign message remains static for a period of 12 seconds before changing to another sign message.

iii. Downtown Sign District: All signs shall be operated so that the sign message remains static for a period of 15 seconds before changing to another sign message.

iv. Mixed Urban Sign District: All signs shall be operated so that the sign message remains static for a period of 15 seconds before changing to another sign message.

v. Mixed Neighborhood Sign District: All signs shall be operated so that the sign message remains static for a period of 20 seconds before changing to another sign message.

vi. Manufacturing Sign District: All signs shall be operated so that the sign message remains static for a period of 20 seconds before changing to another sign message.

F. Digital Dynamic Display Multiple Color Signs shall use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:

i. All Digital Dynamic Display signs shall have installed equipment that will automatically adjust luminance based on time of day in order to be compliant with this Ordinance.

ii. These signs must be equipped with a means to immediately turn off the display or lighting if it malfunctions and/or poses a threat to public safety, such as fails or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects.

iii. The owner of these signs must immediately turn off the sign and/or lighting when ordered to do so by the City when the City has determined that it is not complying with the illuminated sign standards set forth in these regulations or it otherwise poses a threat to public safety, if the sign cannot be immediately adjusted to comply with the illuminated sign standards set forth in these regulations and cease to pose a threat to public safety. A malfunctioning sign or a sign not in compliance with these operational standards shall remain turned off until it may be restored to operate in conformity to the requirements of this ordinance.

iv. Written certification and photometric plan from the sign manufacturer or a professional engineer must be provided at the time of application for a sign permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this Ordinance, and an affidavit signed by the owner that the preset intensity level will not be increased in excess of standards set forth in Section 1155.07(c).

v. A copy of the operations manual must be submitted with sign permit application.

G. The Board of Zoning Appeals shall have power and original jurisdiction to hear and decide applications for a conditional use permit to allow Digital Dynamic Display Multiple Color Signs in Commercial Arterial, Mixed Neighborhood, Mixed Urban, Downtown, and Manufacturing Sign Districts. In determining whether to issue a conditional use permit, the Board of Zoning Appeals shall review the facts and circumstances of each proposed conditional use and apply the provisions of Subdivisions 1172.05 (c) through (e) of the Zoning Code and the following standards:

i. Longitudinal Location. Digital Dynamic Display Multiple color Signs should not be erected in locations that already place high demands upon driver attention, such as intersections, interchange entry and exit points, channelization features, close proximity to traffic control devices (including official route markings and directional signing), highway structures (bridges, viaducts, overpasses), and other roadway features which require a high level of attention to the driving task (by way of example, sharp curves, land drops, "weaving" areas, areas of reduced sight distance).

ii. Spacing and Density. This refers to the number of digital signs that are located within a specified linear distance adjacent to the roadside areas, and how these signs affect highway traffic safety and successful delivery of informational messages to motorists. An approaching driver should not be able to see two or more Dynamic Display Multiple Color signs within his field of view at the same time. Each Sign district has a different potential detection distance that defines the distance of a driver's field of vision. The following table lists the detection distance of each sign code district:

Sign District	Detection Distance
Commercial Highway Sign District	1,200 ft +
Commercial Arterial Sign District	1,000 ft +
Mixed Neighborhood Sign District	800 ft +
Mixed Urban Sign District	500 ft +
Downtown Sign District	300 ft +
Residential Sign Districts	400 ft +
Manufacturing Sign District	500 ft +
Agricultural Sign District	NA

iii. Lateral Location. In determining conditions to impose on the distance that Digital Display Multiple Color Signs are set back

from the highway, measured in distance from the edge of the main traveled way or the angle of a Digital Display Multiple Color Sign on which the messages are displayed relative to the line of sight of motorists on the adjacent highway. Dynamic Display Multiple Color Signs should be located and angled so as to reduce the need for a driver to turn their head to read them as they .

- iv. Interaction with Traffic Signs. Dynamic Display Multiple Color Signs should be located so as not to be detrimentally affect the effectiveness of official traffic control devices. Dynamic Display Multiple Color Signs should not be erected in locations that distract drivers from or prevent drivers from seeing traffic control information (i.e. road markings, traffic signs and traffic signals) in roadway settings where drivers must make decision and take actions.
- v. Compatibility with Ambient Environment: Dynamic Display Multiple Color Signs should not be located where they will create a harsh visual contrast with the ambient environment where they will not be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or where they will change the essential character of the area.

(Ord. No. 10-242. Passed 8-3-10.)

#### **1155.08 LICENSE AND PERMIT REQUIREMENTS.**

(a) **License required.** Except for those signs not requiring a permit, as listed in Section 1155.03, it shall be unlawful for any person to erect, alter, move, improve, remove or convert any sign without having a general contractors license in good standing issued by the City according to the provisions of Chapter 1327 of Part 13 of the *Codified Ordinances of Springfield, Ohio*, unless it is the owner of the business when the sign is being installed by that owner.

(b) **Permit required.** No sign requiring a permit shall be erected, altered, moved, improved or converted without first obtaining a sign permit from the Community Development Director or his/her designee and making payment of the required permit fee. In addition, an electrical permit for all illuminated signs shall be obtained.

(c) **Permit fees.** Every applicant, before being issued a sign permit, shall pay to the City such fee as shall be established. However, any person found to be erecting, altering, moving, improving or converting any sign prior to the issuance of a permit, or who has erected, altered, moved, improved or converted a sign prior to the issuance of a permit, shall be charged double the normal fee. The payment of such double fee shall not relieve any person from fully complying with the requirements of these regulations in the execution of the work, nor from any other penalties.

(d) Permits for illuminated signs. Applications for signs in which electrical wiring and connections are to be used, shall be submitted to the Building Official or his/her designee. The Building Official or his/her designee shall examine the plans and specifications for all wiring and connections to determine if they comply with the Electrical Code.

(e) **Temporary Sign Permits.** The Community Development Director or his/her designee may issue Temporary Sign Permits, subject to the following limitations:

- (1) No temporary sign shall be permitted if displaying the sign will be injurious to or contrary to the purposes to be accomplished by Chapter 1155 Sign Requirements.
- (2) If the temporary sign is not firmly attached to the ground or to a building, the temporary sign shall be constructed so as to be able to withstand a wind pressure of not less than 80 miles per hour without falling over or blowing away.
- (3) No sign shall be displayed for more than thirty (30) consecutive days.
- (4) No more than six (6) Temporary Sign Permits shall be issued to any one occupied unit within any one (1) calendar year.
- (5) No more than one Temporary Sign permit shall be issued to any one occupied unit for display of a temporary sign during any one time.
- (6) No more than one (1) temporary sign shall be displayed for every 100 linear feet of frontage in a commercial development.
- (7) Signs shall not be located closer than 10 feet from the property line or lease line for the address separating such address from the adjacent address.
- (8) Additional signage or exceptions to these regulations may be requested through a conditional use permit application to the Board of Zoning Appeals.
- (9) A minimum time period of fourteen (14) consecutive days in which no temporary signage is displayed must elapse between the removal and placement of any subsequent temporary signage.
- (10) Expired and non-permitted temporary signs are to be defined and treated as 'rubbish' pursuant to Chapter 1323 of Part 13 of the *Codified Ordinances of Springfield, Ohio*, for the purposes of removal by the City.

(f) **Applications.** Application for a sign permit shall be made upon a form provided by the Community Development Director or his/her designee and shall contain and have attached thereto a plot plan with the following information; unless the Community Development Director or his/her designee determines that one or more of the following items is not need for a particular application:

- (1) Name, address, telephone number and license number (when applicable) of the applicant and owner.
- (2) Location of the sign and of the building, structure or lot on which the sign is to be attached or erected. The plot plan for free standing or monument signs shall include existing driveways and the signs setback from such driveways and the lot lines.
- (3) Two blueprints or drawings of the plans and specifications of the sign with dimensions, notation of materials, the type of construction and method of attachment to the ground or building.
- (4) Copy of stress sheets and calculations showing the structure is designed in accordance with the Building Code when required by the building Code.
- (5) An application for an electrical permit for signs using electricity.
- (6) Such other information as may be required.

(g) **Permit issued.** Upon the filing of an application for a sign permit, it shall be the duty of the Community Development Director or his designee to examine such application. If the proposed sign is in compliance with the requirements of this chapter and all other laws and ordinances of the City or State, the sign permit shall then be issued.

(h) **Permit expiration.** If the work authorized under a sign permit has not been completed within six months after the date of issuance, said permit shall become null and void. Temporary Sign Permits shall contain an expiration date which shall not be more than 30 days after the issuance date of the permit.

(Ord. No. 10-242. Passed 8-3-10.)

#### 1155.09 CONSTRUCTION, MAINTENANCE, AND ABANDONMENT REQUIREMENTS.

(a) **Construction.** All signs that require a permit except temporary signs shall be designed and constructed to withstand a wind pressure of not less than that required by the Building Code. Applications for such signs shall be submitted to the Building Official or his/her designee. The Building Official or his/her designee shall examine the plans and specifications to determine if they comply with the Building Code. In addition to the foregoing construction requirements:

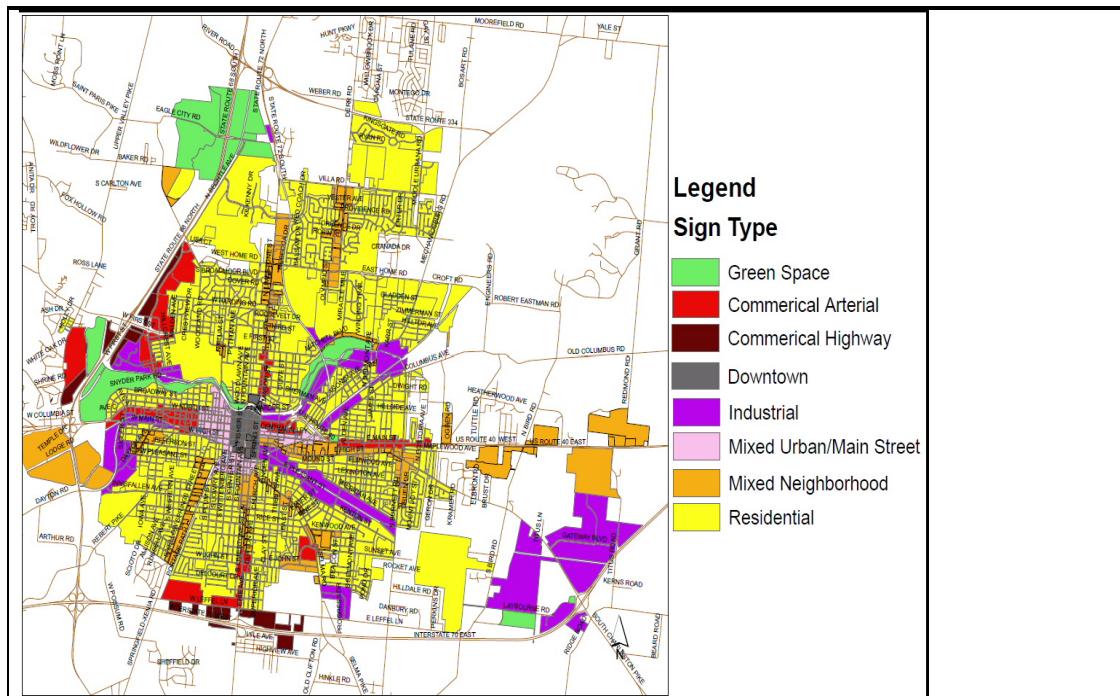
- (1) All banners, where permitted, shall be securely fastened on all four corners to an immovable object.
- (2) The sign face of a canopy sign shall not extend beyond the canopy surface more than six inches.
- (3) A fascia sign shall not extend more than one foot out from the vertical wall to which it is attached nor more than one foot out at the sign's closest point from non vertical wall to which it is attached.
- (4) All free standing signs shall be securely fastened to the ground.

(b) **Maintenance.** All signs shall be maintained in such a manner as to avoid becoming a hazardous sign. All signs regulated by this chapter shall be maintained in such a condition so that the sign face and the sign supporting structure is safe and in compliance with the regulations adopted in Chapter 1305 of the Codified Ordinances. All signs shall be maintained by repairing or replacing surfaces which are severely weathered, severely faded, torn, flaking or chipping, or have streaked or running characters or graphics. At such time that maintenance is performed, no change in the existing sign shall occur to alter the sign to make the sign nonconforming or nonconforming to any greater degree than at the time of adoption of this code.

(c) **Removal.** In accordance with the following procedure, the Building Official or his/her designee shall be authorized to require the removal of any prohibited sign. The Building Official shall use the procedure specified in Chapters 1323 and 1324 of the Codified Ordinances for notifying a property owner or sign owner to remove such prohibited sign.

(d) **Sign Abandonment.** The following signs shall be regulated in accordance with the criteria indicated: Abandoned signs are prohibited and shall be removed by the sign owner immediately upon becoming an abandoned sign.

MAP - LEGEND SIGN TYPE  
MAP A



#### TABLES

##### Green Space \_ Ag

<b>Permitted Sign Types</b>	<b>Permitted</b>	<b>Base Regulations</b>	<b>Zoning</b>	<b>Land Uses</b>
Projecting Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	One square foot per linear foot of lot frontage			
<b>Maximum Area</b>	80 square feet, Max of 40 square feet/side			
<b>Minimum Height</b>	Bottom of sign structure shall be at least 12 feet above the ground grade			
<b>Maximum Quantity</b>	No maximum number			
Wall Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	15 percent of wall area			
<b>Maximum Height</b>	Roofline			
<b>Maximum Quantity</b>	No maximum number			
Canopy Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	25 percent of the canopy or awning on which they are applied			
<b>Maximum Height</b>	Top of first story			
<b>Maximum Quantity</b>	No maximum number			
Foundation Monument Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	1.5 square feet per foot of lot frontage			
<b>Maximum Area</b>	100 square feet/50 Square feet per side			
<b>Maximum Area with Bonuses</b>	150 square feet/75 Square feet per side			
<b>Area Bonus for Large lots</b>	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
<b>Maximum Height</b>	Six feet			
<b>Maximum Height with Bonuses</b>	Ten feet			
<b>Location setbacks</b>	Minimum five feet, Out of line of sight			
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
<b>Design Standards</b>	Requires Continuous Footer Foundation			
<b>Area Bonus for Design</b>	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
<b>Height Bonus for Design</b>	Additional one feet of height for architectural detailing			
<b>Maximum Quantity</b>	One sign per parcel			
Additional Sign Provision		When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 60 square feet, 30 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)		
Combined Use Sign Provision		In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)		
Additional Sign Provision for large lots		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
Traditional Monument Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	One square foot per foot of lot frontage			
<b>Maximum Area</b>	80 square feet/40 Square feet per side			
<b>Maximum Area with Bonuses</b>	100 square feet/50 Square feet per side			
<b>Area Bonus for Large lots</b>	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
<b>Maximum Height</b>	Five feet			
<b>Maximum Height with Bonuses</b>	Six feet			
<b>Location setbacks</b>	Minimum five feet, Out of line of sight			
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
<b>Area Bonus for Design</b>	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
<b>Height Bonus for Design</b>	Additional one feet of height for architectural detailing			
<b>Maximum Quantity</b>	One sign per parcel			
Additional Sign Provision		When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 40 square feet, 20 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)		
Combined Use Sign Provision		In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)		
Additional Sign Provision for large lots		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
Monolith Signs	Prohibited		Prohibited	Prohibited
Pole Signs	Prohibited		Prohibited	Prohibited
Shopping Center District signs	Prohibited		Prohibited	Prohibited
Window Signs	Permitted		Prohibited in A and R	Prohibited on Residential
<b>Area allowance</b>	25% of window			
<b>Number of signs</b>	One per window			
Dynamic Digital Display (Single Color)	Prohibited		Prohibited	Prohibited
Dynamic Digital Display (Multiple Color)	Prohibited		Prohibited	Prohibited
*One Free Standing Sign is permitted per parcel, unless otherwise noted				

Permitted Sign Types	Permitted	Base Regulations	Zoning	Land Uses
Projecting signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	One square foot per linear foot of lot frontage			
Maximum Area	80 square feet, Max of 40 square feet/side			
Minimum Height	Bottom of sign structure shall be at least 12 feet above the ground grade			
Maximum Quantity	No maximum number			
Wall signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	15 percent of wall area			
Maximum Height	Roofline			
Maximum Quantity	No maximum number			
Canopy signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	25 percent of the canopy or awning on which they are applied			
Maximum Height	Top of first story			
Maximum Quantity	No maximum number			
Foundation monument signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family except as permitted by 1155.04 (a)(1)(2)(3)
Area allowance	Two square feet per foot of lot frontage			
Maximum Area	150 square feet/75 Square feet per side			
Maximum Area with Bonuses	200 square feet/100 Square feet per side			
Area Bonus for Large lots	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
Maximum Height	Six feet			
Maximum Height with Bonuses	Ten feet			
Location setbacks	Minimum five foot , Out of line of sight			
Height Bonus for Setback	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
Design Standards	Requires Continuous Footer Foundation			
Area Bonus for Design	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
Height Bonus for Design	Additional one foot of height for architectural detailing			
Maximum Quantity	One sign per parcel			
Additional Sign Provision for multiple uses	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 60 square feet, 30 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)			
Combined Use Sign Provision	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)			
Additional Sign Provision for large frontage	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.			
Additional Sign Provision for large lots	For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.			
Traditional monument signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	1.5 square foot per foot of lot frontage			
Maximum Area	100 square feet/50 Square feet per side			
Maximum Area with Bonuses	125 square feet/62.5 Square feet per side			
Area Bonus for Large lots	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
Maximum Height	Five feet			
Maximum Height with Bonuses	Six feet			
Location setbacks	Minimum five feet , Out of line of sight			
Height Bonus for Setback	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
Area Bonus for Design	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
Height Bonus for Design	Additional one foot of height for architectural detailing			
Maximum Quantity	One sign per parcel			
Additional Sign Provision for multiple uses	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 40 square feet, 20 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)			
Combined Use Sign Provision	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed (Area and height bonus privileges do apply)			

<i>Individual sign allowed, Area and height bonus permitted by property</i>				
<b>Additional Sign Provision for large frontage</b>		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Additional Sign Provision for large lots</b>		For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.		
<b>Monolith signs</b>	<b>Permitted</b>		<b>Prohibited in A and R</b>	<b>Prohibited on Residential</b>
<b>Area allowance</b>	1.50 square feet per foot of lot frontage			
<b>Maximum Area</b>	200 square feet/100 Square feet per side			
<b>Maximum Area with Bonuses</b>	250 square feet/125 Square feet per side			
<b>Area Bonus for Large lots</b>	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
<b>Maximum Height</b>	15 feet			
<b>Maximum Height with Bonuses</b>	20 feet			
<b>Location setbacks</b>	Minimum five feet , Out of line of sight			
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional three linear feet setback in excess of five feet			
<b>Design Standards</b>	Requires Continuous Footer Foundation			

### Commercial Arterial (Cont.)

<b>Area Bonus for Design</b>		Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
<b>Height Bonus for Design</b>		Additional one feet of height for architectural detailing		
<b>Maximum Quantity</b>		One sign per parcel		
<b>Additional Sign Provision for large frontage</b>		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Additional Sign Provision for large lots</b>		For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.		
<b>Pole signs</b>	<b>Permitted</b>		<b>Prohibited in A, R, CN, CO, or within 100 feet of R</b>	<b>Prohibited on Residential or within 100 feet of Residential</b>
<b>Area allowance</b>	1.50 square feet per foot of lot frontage			
<b>Maximum Area</b>	300 square feet/150 Square feet per side			
<b>Maximum Area with Bonuses</b>	900 square feet/450 Square feet per side			
<b>Area Bonus for large frontage</b>	Additional square foot for each 2 linear feet of frontage in excess of 200 feet			
<b>Maximum Height</b>	35 feet			
<b>Highway Sign Maximum Height</b>	65 maximum feet if parcel abutting Route 68 or Interstate 70			
<b>Location setbacks</b>	Minimum five feet			
<b>Area Bonus for Design#1</b>		Additional 0.25 square feet of area per linear foot of frontage for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
<b>Area Bonus for Design#2</b>		Additional 0.25 square feet per linear foot of frontage for architectural detailing		
<b>Maximum Quantity</b>		One per parcel		
<b>Additional Sign Provision for large frontage</b>		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Additional Sign Provision for large lots</b>		For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.		
<b>Area Bonus for Large lots</b>		For each foot setback in excess of 100 feet from a property line, the area of a sign may be increased to 3.5 square feet per foot in excess of 100 feet to 139 feet, or the area of a sign may be increased to five square feet per foot in excess of 140 feet to 179 feet, or the area of a sign may be increased to six square feet per foot in excess of 180 feet.		
<b>Shopping Center District signs</b>	<b>Permitted</b>		<b>Prohibited in A, R, CN, CO, or within 100 feet of R</b>	<b>Prohibited on Residential or within 100 feet of Residential</b>
<b>Projecting signs</b>		According to Standards provided herein this table for each sign type		
<b>Wall signs</b>		According to Standards provided herein this table for each sign type		
<b>Canopy signs</b>		According to Standards provided herein this table for each sign type		
<b>Shopping Center pole and monument signs</b>		Each shopping center may erect a maximum of two free-standing signs not larger than 250 square feet in total each (125 square feet per sign face for double faced signs).		
<b>Individual Building pole and monument sign</b>		A business located in a separate building from the shopping center and on a separate tract of land shall be permitted an additional sign		

		consisting of not more than one free-standing sign not more than six feet in height nor more than two square feet per foot of lot frontage, not to exceed a total of 100 square feet or 50 square feet per sign face (for a double faced sign).		
<b>Single-color electronic signs</b>		One per building, to be located on monument sign		
<b>Maximum Quantity of signs per development</b>		Maximum of two development signs per shopping center, in addition to one sign per building as permitted herein		
<b>Window signs</b>	Permitted		Not prohibited	Not prohibited
<b>Area allowance</b>	25% of window			
<b>Number of signs</b>	One per window			
<b>Dynamic Digital Display (Single Color)</b>	Permitted	No specific provisions, to be treated as a face on any other sign type	Prohibited in A and R	Prohibited on Residential
<b>Dynamic Digital Display (Multiple Color)</b>	Conditional Use		Prohibited in A, R, CN, CO, or within 125 feet of R	Prohibited on Residential or within 125 feet of Residential
<b>Area allowance</b>	0.3 square feet per linear foot of lot frontage			
<b>Maximum Area</b>	60 square foot total or 30 square feet per sign face, or 50% of the copy area whichever is less			
<b>Maximum Area with Bonuses</b>	80 square feet or 40 square foot per side, or 50% of the copy area whichever is less			
<b>Maximum Height of signs less than 60 SF</b>	30 ft			
<b>Minimum Height of signs less than 60 SF</b>	20 ft			
<b>Maximum Height of signs more than 60 SF</b>	35 ft			
<b>Minimum Height of signs more than 60 SF</b>	30 ft			
<b>Location setbacks</b>	Minimum 25 feet from arterial, or local road frontage, Minimum 50 feet from side yard property line			
<b>Area bonus for setback</b>	Additional square foot per side for each additional 2 linear feet setback in excess of 25 feet			
<b>Maximum Quantity</b>	One per lot or shopping center			
<b>*One Free Standing Sign is permitted per parcel, unless otherwise noted</b>				

## Commercial Highway

Permitted Sign Types	Permitted	Base Regulations	Zoning	Land Uses
Projecting Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	One square foot per linear foot of lot frontage			
Maximum Area	80 square feet; Max of 40 square feet/side			
Minimum Height	Bottom of sign structure shall be at least 12 feet above the ground grade			
Maximum Quantity	No maximum number			
Wall Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	15 percent of wall area			
Maximum Height	Roofline			
Maximum Quantity	No maximum number			
Canopy Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	25 percent of the canopy or awning on which they are applied			
Maximum Height	Top of first story			
Maximum Quantity	No maximum number			
Foundation Monument Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	Two square feet per foot of lot frontage			
Maximum Area	150 square feet/75 Square feet per side			
Maximum Area with Bonuses	200 square feet/100 Square feet per side			
Area Bonus for Large lots	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
Maximum Height	Six feet			
Maximum Height with Bonuses	Ten feet			
Location setbacks	Minimum five foot , Out of line of sight			
Height Bonus for Setback	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
Design Standards	Requires Continuous Footer Foundation			
Area Bonus for Design	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50percent Brick or Stone Minimum)			
Height Bonus for Design	Additional one feet of height for architectural detailing			
Maximum Quantity	One sign per parcel			
Additional Sign Provision for multiple uses	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 60 square feet, 30 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)			
Combined Use Sign Provision	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)			
Additional Sign Provision for large frontage	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.			
Additional Sign Provision for large lots	For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.			
Traditional Monument Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	1.5 square foot per foot of lot frontage			
Maximum Area	125 square feet/62.5 Square feet per side			
Maximum Area with Bonuses	150 square feet/75 Square feet per side			
Area Bonus for Large lots	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
Maximum Height	Five feet			
Maximum Height with Bonuses	Seven feet			
Location setbacks	Minimum five foot , Out of line of sight			
Height Bonus for Setback	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
Area Bonus for Design	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
Height Bonus for Design	Additional one feet of height for architectural detailing			
Maximum Quantity	One sign per parcel			
Additional Sign Provision for multiple uses	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 40 square feet, 20 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)			
Combined Use Sign Provision	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)			
Additional Sign Provision for large frontage	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.			
Additional Sign Provision for large lots	For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.			
Monolith Signs	Permitted		Prohibited in A and R	Prohibited on Residential
Area allowance	1.50 square feet per foot of lot frontage			
Maximum Area	200 square feet/100 Square feet per side			
Maximum Area with Bonuses	250 square feet/125 Square feet per side			
Area Bonus for Large lots	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
Maximum Height	15 feet			

## Commercial Highway (Continued)

<b>Maximum Height with Bonuses</b>	20 feet		
<b>Location setbacks</b>	Minimum five foot , Out of line of sight		
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional three linear feet setback in excess of five feet		
<b>Design Standards</b>	Requires Continuous Footer Foundation		
<b>Area Bonus for Design</b>	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
<b>Height Bonus for Design</b>	Additional one foot of height for architectural detailing		
<b>Maximum Quantity</b>	One sign per parcel		
<b>Additional Sign Provision for large frontage</b>	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Additional Sign Provision for large lots</b>	For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.		
<b>Pole Signs</b>	<b>Permitted</b>	Prohibited in A, R, CN, CO, or within 100 feet of R	Prohibited on Residential or within 100 feet of Residential
<b>Area allowance</b>	1.50 square feet per foot of lot frontage		
<b>Maximum Area</b>	300 square feet/150 Square feet per side		
<b>Maximum Area with Bonuses</b>	900 square feet/450 Square feet per side		
<b>Area Bonus for large frontage</b>	Additional square foot for each two linear feet of frontage in excess of 200 feet		
<b>Maximum Height</b>	35 feet		
<b>Highway Sign Maximum Height</b>	65 maximum feet if parcel abutting Route 68 or Interstate 70		
<b>Location setbacks</b>	Minimum five feet		
<b>Area Bonus for Design#1</b>	Additional 0.25 square feet of area per linear foot of frontage for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
<b>Area Bonus for Design#2</b>	Additional 0.25 square feet per linear foot of frontage for architectural detailing		
<b>Maximum Quantity</b>	One per parcel		
<b>Additional Sign Provision for large frontage</b>	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Additional Sign Provision for large lots</b>	For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.		
<b>Area Bonus for Large lots</b>	For each foot setback in excess of 100 feet from a property line, the area of a sign may be increased to 3.5 square feet per foot in excess of 100 feet to 139 feet, or the area of a sign may be increased to five square feet per foot in excess of 140 feet to 179 feet, or the area of a sign may be increased to six square feet per foot in excess of 180 feet.		
<b>Shopping Center District signs</b>	<b>Permitted</b>	Prohibited in A, CN, CO, or within 100 feet of R	Prohibited on Residential or within 100 feet of Residential
<b>Projecting signs</b>	According to Standards provided herein this table for each sign type		
<b>Wall signs</b>	According to Standards provided herein this table for each sign type		
<b>Canopy signs</b>	According to Standards provided herein this table for each sign type		
<b>Shopping Center pole and monument signs</b>	Each shopping center may erect a maximum of two free-standing signs not larger than 250 square feet in total each (125 square feet per sign face for double faced signs).		
<b>Individual Building pole and monument sign</b>	A business located in a separate building from the shopping center and on a separate tract of land shall be permitted an additional sign consisting of not more than one free-standing sign not more than six feet in height nor more than two square feet per foot of lot frontage, not to exceed a total of 100 square feet or 50 square feet per sign face (for a double faced sign).		
<b>Single-color electronic signs</b>	One per building, to be located on monument sign		
<b>Maximum Quantity of signs per development</b>	Maximum of two development signs per shopping center, in addition to one sign per building as permitted herein		
<b>Window Signs</b>	<b>Permitted</b>	Permitted in all zoning districts	Prohibited on Residential
<b>Area allowance</b>	25 percent of window		
<b>Maximum Quantity</b>	No maximum number		
<b>Dynamic Digital Display (Single Color)</b>	Permitted No specific provisions, to be treated as a face on any other sign type	Prohibited in A and R	Prohibited on Residential
<b>Dynamic Digital Display (Multiple Color)</b>	Permitted	Prohibited in A, CN, CO, or within 1000 feet of R	Prohibited on Residential or within 1000 feet of Residential
<b>Area allowance</b>	0.75 square feet per linear foot of lot frontage along highway ROW		

<b>Maximum Area</b>	250 total, or 125 square feet per side		
<b>Maximum Height of signs less than 100 SF</b>	65 ft		
<b>Minimum Height of signs less than 100 SF</b>	25 ft		
<b>Maximum Height of signs more than 100 SF</b>	65 ft		
<b>Minimum Height of signs more than 100 SF</b>	35 ft		
<b>Location setbacks</b>	Minimum of 15 feet from highway ROW, minimum of 210 feet from collector, arterial, or local road frontage, minimum of 100 feet from side yard property line		
<b>Minimum Lot Frontage</b>	Minimum 250 ft lot frontage required		
<b>Maximum Quantity</b>	One per lot		

\*one Free Standing Sign is permitted per parcel, unless otherwise noted

## Downtown

<b>Permitted Sign Types</b>	<b>Permitted</b>	<b>Base Regulations</b>	<b>Zoning</b>
projecting signs	Permitted		Permitted in all zoning districts
<b>Area allowance</b>		one square foot per linear foot of lot frontage	
<b>Maximum Area</b>		80 square feet, Max of 40 square feet/side	
<b>Minimum Height</b>		Bottom of sign structure shall be at least 12 feet above the ground grade	
<b>Maximum Quantity</b>		No maximum number	
wall signs	Permitted		Permitted in all zoning districts
<b>Area allowance</b>		15 percent of wall area	
<b>Maximum Height</b>		Roofline	
<b>Maximum Quantity</b>		No maximum number	
canopy signs	Permitted		Permitted in all zoning districts
<b>Area allowance</b>		25 percent of the canopy or awning on which they are applied	
<b>Maximum Height</b>		Top of first story	
<b>Maximum Quantity</b>		No maximum number	
Foundation monument signs	Permitted		Permitted in all zoning districts
<b>Area allowance</b>		1.5 square feet per foot of lot frontage	
<b>Maximum Area</b>		100 square feet/50 Square feet per side	
<b>Maximum Area with Bonuses</b>		150 square feet/75 Square feet per side	
<b>Area Bonus for Large lots</b>		Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet	
<b>Maximum Height</b>		Six feet	
<b>Maximum Height with Bonuses</b>		Ten feet	
<b>Location setbacks</b>		Minimum five feet, Out of line of sight	
<b>Height Bonus for Setback</b>		Additional one foot in height for each additional two linear feet setback from property line in excess of five feet	
<b>Design Standards</b>		Requires Continuous Footer Foundation	
<b>Area Bonus for Design</b>		Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)	
<b>Height Bonus for Design</b>		Additional one feet of height for architectural detailing	
<b>Maximum Quantity</b>		One sign per parcel	
<b>Additional Sign Provision for multiple uses</b>		When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 60 square feet, 30 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)	
<b>Combined Use Sign Provision</b>		In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)	
<b>Additional Sign Provision for large lots</b>		Two signs are permitted provided that frontage along a single lot is not	

		less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.	
<b>Traditional monument signs</b>	<b>Permitted</b>		Permitted in all zoning districts
<b>Area allowance</b>		One square foot per foot of lot frontage	
<b>Maximum Area</b>		80 square feet/40 Square feet per side	
<b>Maximum Area with Bonuses</b>		100 square feet/50 Square feet per side	
<b>Area Bonus for Large lots</b>		Additional one square foot to total area for each 2 linear feet of lot frontage in excess of 200 feet	
<b>Maximum Height</b>		Five feet	
<b>Maximum Height with Bonuses</b>		Six feet	
<b>Location setbacks</b>		Minimum five feet, Out of line of sight	
<b>Height Bonus for Setback</b>		Additional one foot in height for each additional two linear feet setback from property line in excess of five feet	
<b>Area Bonus for Design</b>		Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)	
<b>Height Bonus for Design</b>		Additional one feet of height for architectural detailing	
<b>Maximum Quantity</b>		One sign per parcel	
<b>Additional Sign Provision</b>		When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 40 square feet, 20 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)	

### Downtown (Continued)

<b>Combined Use Sign Provision</b>		In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)	
<b>Additional Sign Provision for large lots</b>		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.	
<b>Monolith signs</b>	<b>Permitted</b>		Prohibited in A and R
<b>Area allowance</b>		1.25 square feet per foot of lot frontage	
<b>Maximum Area</b>		150 square feet/75 Square feet per side	
<b>Maximum Area with Bonuses</b>		200 square feet/100 Square feet per side	
<b>Area Bonus for Large lots</b>		Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet	
<b>Maximum Height</b>		15 feet	
<b>Maximum Height with Bonuses</b>		20 feet	
<b>Location setbacks</b>		Minimum five feet, Out of line of sight	
<b>Height Bonus for Setback</b>		Additional one foot in height for each additional three linear feet setback in excess of five feet	
<b>Design Standards</b>		Requires Continuous Footer Foundation	
<b>Area Bonus for Design</b>		Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)	
<b>Height Bonus for Design</b>		Additional one feet of height for architectural detailing	
<b>Maximum Quantity</b>		One sign per parcel	
<b>Additional Sign Provision</b>		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.	
<b>Pole signs</b>	<b>Prohibited</b>		Prohibited
<b>Shopping Center District signs</b>	<b>Prohibited</b>		Prohibited
<b>Window signs</b>	<b>Permitted</b>		Not prohibited
<b>Area allowance</b>		25% of window	
<b>Number of signs</b>		One per window	
<b>Dynamic Digital Display (Single Color)</b>	<b>Permitted</b>	No specific provisions, to be treated as a face on any other sign type	Prohibited in A and R
<b>Dynamic Digital Display (Multiple Color)</b>	<b>Conditional Use</b>		Prohibited in A R, CN, CO, or within 125 feet of R

<b>Area allowance</b>	0.75 square foot per foot of lot frontage	
<b>Maximum Area</b>	40 square foot total or 20 square feet per sign face, or 50% of the copy area whichever is less	
<b>Maximum Area with Bonuses freestanding or wall signs</b>	60 square feet or 30 square foot per side, or 50% of the copy area whichever is less	
<b>Maximum Height of signs less than 50 SF</b>	25 ft	
<b>Minimum Height of signs less than 50 SF</b>	15 feet	
<b>Maximum Height of signs more than 50 SF</b>	35 ft	
<b>Minimum Height of signs more than 50 SF</b>	25 ft	
<b>Area bonus for setback</b>	Additional square foot per side for each additional two linear feet setback in excess of ten feet	
<b>Minimum Lot Frontage</b>	100 feet of frontage	
<b>Maximum Quantity</b>	One per parcel	
<b>Animated Digital Dynamic Display sign</b>	<b>Conditional Use</b>	Prohibited in A R, CN, CO, or within 125 feet of R
<b>Animation</b>		One animated Multiple Color Digital Dynamic Display sign may be permitted at a qualified location with a conditional use permit.
<b>Area allowance</b>		Allowable area is based on summary of height based area allowance and setbck based area allowable (Sign area = ( vertical feet in height from grade X 1) + (horizontal feet in setback from right-of-way line X 1.5)
<b>Height Based Area allowance</b>		One square foot of sign face area for each vertical foot in height from grade
<b>Setback Area allowance</b>		1.5 square foot of sign face area for each horizontal foot in setback from right-of-way line
<b>Maximum Area</b>		300 square feet
<b>*One Free Standing Sign is permitted per parcel, unless otherwise noted</b>		

## Manufacturing

Permitted Sign Types	Permitted	Base Regulations	Zoning	Land Uses
<b>Projecting Signs</b>	<b>Permitted</b>		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>		One square foot per linear foot of lot frontage		
<b>Maximum Area</b>		80 square feet, Max of 40 square feet/side		
<b>Minimum Height</b>		Bottom of sign structure shall be at least 12 feet above the ground grade		
<b>Maximum Quantity</b>		No maximum number		
<b>Wall Signs</b>	<b>Permitted</b>		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>		15 percent of wall area		
<b>Maximum Height</b>		Roofline		
<b>Maximum Quantity</b>		No maximum number		
<b>Canopy Signs</b>	<b>Permitted</b>		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>		25 percent of the canopy or awning on which they are applied		
<b>Maximum Height</b>		Top of first story		
<b>Maximum Quantity</b>		No maximum number		
<b>Foundation Monument Signs</b>	<b>Permitted</b>		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>		1.5 square feet per foot of lot frontage		
<b>Maximum Area</b>		100 square feet/50 Square feet per side		
<b>Maximum Area with Bonuses</b>		150 square feet/75 Square feet per side		
<b>Area Bonus for Large lots</b>		Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet		
<b>Maximum Height</b>		Six feet		
<b>Maximum Height with Bonuses</b>		Ten feet		
<b>Location setbacks</b>		Minimum five feet, Out of line of sight		
<b>Height Bonus for Setback</b>		Additional one foot in height for each additional two linear feet setback from property line in excess of five feet		
<b>Design Standards</b>		Requires Continuous Footer Foundation		
<b>Area Bonus for Design</b>		Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
<b>Height Bonus for Design</b>		Additional one feet of height for architectural detailing		
<b>Maximum Quantity</b>		One sign per parcel		
<b>Additional Sign Provision for multiple uses</b>		When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 60 square feet, 30 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)		
<b>Combined Use Sign Provision</b>		In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common		

		uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)		
Additional Sign Provision for large frontage		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
Additional Sign Provision for large lots		For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.		
Traditional monument signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>		One square foot per foot of lot frontage		
<b>Maximum Area</b>		80 square feet/40 Square feet per side		
<b>Maximum Area with Bonuses</b>		100 square feet/50 Square feet per side		
Area Bonus for Large lots		Additional one square foot to total area for each 2 linear feet of lot frontage in excess of 200 feet		
<b>Maximum Height</b>		Five feet		
<b>Maximum Height with Bonuses</b>		Six feet		
<b>Location setbacks</b>		Minimum five feet, Out of line of sight		
Height Bonus for Setback		Additional one foot in height for each additional two linear feet setback from property line in excess of five feet		
Area Bonus for Design		Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
Height Bonus for Design		Additional one feet of height for architectural detailing		
<b>Maximum Quantity</b>		One sign per parcel		
Additional Sign Provision for multiple uses		When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 40 square feet, 20 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)		
Combined Use Sign Provision		In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)		
Additional Sign Provision for large frontage		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
Additional Sign Provision for large lots		For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.		

## Manufacturing (Continued)

Monolith Signs	Permitted		Prohibited in A and R	Prohibited on Residential
<b>Area allowance</b>		1.25 square feet per foot of lot frontage		
<b>Maximum Area</b>		150 square feet/75 Square feet per side		
<b>Maximum Area with Bonuses</b>		200 square feet/100 Square feet per side		
Area Bonus for Large lots		Additional one square foot to total area for each 2 linear feet of lot frontage in excess of 200 feet		
<b>Maximum Height</b>		15 feet		
<b>Maximum Height with Bonuses</b>		20 feet		
<b>Location setbacks</b>		Minimum five feet, Out of line of sight		
Height Bonus for Setback		Additional one foot in height for each additional three linear feet setback in excess of five feet		
<b>Design Standards</b>		Requires Continuous Footer Foundation		
<b>Area Bonus for Design</b>		Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
Height Bonus for Design		Additional one feet of height for architectural detailing		
<b>Maximum Quantity</b>		One sign per parcel		
Additional Sign Provision #1		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
Additional Sign Provision for large lots #2		For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.		
Pole Signs	Permitted		Prohibited in A, R, CN, CO, or within 100 feet of R	Prohibited on Residential or within 100 feet of Residential

<b>Area allowance</b>	One square feet per foot of lot frontage		
<b>Maximum Area</b>	150 square feet/75 Square feet per side		
<b>Maximum Area with Bonuses</b>	175 square feet/87.5 Square feet per side		
<b>Area Bonus for Large lots</b>	Additional square foot for each 2 linear feet of frontage in excess of 200 feet		
<b>Maximum Height</b>	20 feet		
<b>Location setbacks</b>	Minimum five feet		
<b>Area Bonus for Design#1</b>	Additional 0.25 square feet of area per linear foot of frontage for Brick or Stone Construction materials for base and/or framing (50% Brick or Stone Minimum)		
<b>Area Bonus for Design#2</b>	Additional 0.25 square feet per linear foot of frontage for architectural detailing		
<b>Illumination</b>	Permitted		
<b>Number of signs</b>	One per parcel		
<b>Additional Sign Provision for large frontage</b>	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Additional Sign Provision for large lots</b>	For each additional 200 feet of frontage in excess of the first 200 feet of frontage, an additional freestanding sign of the size permitted in that district shall be permitted. Provided, however, that each additional freestanding sign relating to the same use be located at least 200 feet from any other freestanding sign in excess of 20 square feet. Provided, further, that there shall be no more than five freestanding signs in excess of 20 square feet on any lot regardless of the amount of frontage.		
<b>Shopping Center District</b>	<b>Prohibited signs</b>	Prohibited in A, R, CN, CO, or within 100 feet of R	Prohibited on Residential or within 100 feet of Residential
<b>Window Signs</b>	<b>Permitted</b>	Not prohibited	Not prohibited
<b>Area allowance</b>	25% of window		
<b>Number of signs</b>	One per window		
<b>Dynamic Digital Display (Single Color)</b>	<b>Permitted</b>	No specific provisions, to be treated as a face on any other sign type	Prohibited in A and R
<b>Dynamic Digital Display (Multiple Color)</b>	<b>Conditional Use</b>	Prohibited in A R, CN, CO, or within 125 feet of R	Prohibited on Residential or within 125 feet of Residential
<b>Area allowance</b>	0.25 square feet per foot of lot frontage		
<b>Maximum Area</b>	30 square foot total or 15 square feet per sign face, or 50% of the copy area whichever is less		
<b>Maximum Area with Bonuses</b>	60 square feet or 30 square foot per side, or 50% of the copy area whichever is less		
<b>Maximum Height of signs less than 30 SF</b>	25 feet		
<b>Minimum Height of signs less than 30 SF</b>	20 ft		
<b>Maximum Height of signs more than 30 SF</b>	35 feet		
<b>Minimum Height of signs more than 30 SF</b>	25 feet		
<b>Location Setbacks</b>	Minimum 10 feet from arterial, or local road frontage, minimum 50 feet from side yard property line		
<b>Area bonus for setback</b>	Additional square foot per side for each additional two linear feet setback in excess of ten feet		
<b>Maximum Quantity</b>	One per lot or shopping center		
<b>*One Free Standing Sign is permitted per parcel, unless otherwise noted</b>			

## Mixed Neighborhood

Permitted Sign Types	Permitted	Base Regulations	Zoning	Land Uses
<b>Projecting Signs</b>	<b>Permitted</b>		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	One square foot per linear foot of lot frontage			
<b>Maximum Area</b>	80 square feet, Max of 40 square feet/side			
<b>Minimum Height</b>	Bottom of sign structure shall be at least 12 feet above the ground grade			
<b>Maximum Quantity</b>	No maximum number			
<b>Wall Signs</b>	<b>Permitted</b>		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	15 percent of wall area			
<b>Maximum Height</b>	Roofline			
<b>Maximum Quantity</b>	No maximum number			
<b>Canopy Signs</b>	<b>Permitted</b>		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	25 percent of the canopy or awning on which they are applied			
<b>Maximum Height</b>	Top of first story			
<b>Maximum Quantity</b>	No maximum number			
<b>Foundation Monument Signs</b>	<b>Permitted</b>		Permitted in all zoning districts	Prohibited on Residential Single Family except as permitted by 1155.04

			(a)(1)(2)(3)
<b>Area allowance</b>	1.5 square feet per foot of lot frontage		
<b>Maximum Area</b>	100 square feet/50 Square feet per side		
<b>Maximum Area with Bonuses</b>	150 square feet/75 Square feet per side		
<b>Area Bonus for Large lots</b>	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet		
<b>Maximum Height</b>	Six feet		
<b>Maximum Height with Bonuses</b>	Ten feet		
<b>Location setbacks</b>	Minimum five feet , Out of line of sight		
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet		
<b>Design Standards</b>	Requires Continuous Footer Foundation		
<b>Area Bonus for Design</b>	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
<b>Height Bonus for Design</b>	Additional one feet of height for architectural detailing		
<b>Maximum Quantity</b>	One sign per parcel		
<b>Additional Sign Provision</b>	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 60 square feet, 30 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)		
<b>Combined Use Sign Provision</b>	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)		
<b>Additional Sign Provision for large lots</b>	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Traditional Monument Signs</b>	Permitted	Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	One square foot per foot of lot frontage		
<b>Maximum Area</b>	80 square feet/40 Square feet per side		
<b>Maximum Area with Bonuses</b>	100 square feet/50 Square feet per side		
<b>Area Bonus for Large lots</b>	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet		
<b>Maximum Height</b>	Five feet		
<b>Maximum Height with Bonuses</b>	Six feet		
<b>Location setbacks</b>	Minimum five feet, Out of line of sight		
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet		
<b>Area Bonus for Design</b>	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
<b>Height Bonus for Design</b>	Additional one feet of height for architectural detailing		
<b>Maximum Quantity</b>	One sign per parcel		
<b>Additional Sign Provision</b>	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 40 square feet, 20 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)		
<b>Combined Use Sign Provision</b>	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)		
<b>Additional Sign Provision for large lots</b>	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Monolith Signs</b>	Permitted	Prohibited in A and R	Prohibited on Residential
<b>Area allowance</b>	1.25 square feet per foot of lot frontage		
<b>Maximum Area</b>	150 square feet/75 Square feet per side		
<b>Maximum Area with Bonuses</b>	200 square feet/100 Square feet per side		
<b>Area Bonus for Large lots</b>	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet		
<b>Maximum Height</b>	15 feet		

### Mixed Neighborhood (Continued)

<b>Maximum Height with Bonuses</b>	20 feet		
<b>Location setbacks</b>	Minimum five feet, Out of line of sight		
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional three linear feet		

		Additional one foot of height for each additional three linear feet setback in excess of five feet		
<b>Design Standards</b>		Requires Continuous Footer Foundation		
<b>Area Bonus for Design</b>		Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)		
<b>Height Bonus for Design</b>		Additional one foot of height for architectural detailing		
<b>Maximum Quantity</b>		One sign per parcel		
<b>Additional Sign Provision</b>		Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Pole Signs</b>	Conditional Use		Prohibited in A, R, CN, CO, or within 100 feet of R	Prohibited on Residential or within 100 feet of Residential
<b>Area allowance</b>		One square feet per foot of lot frontage		
<b>Maximum Area</b>		150 square feet/75 Square feet per side		
<b>Maximum Area with Bonuses</b>		175 square feet/87.5 Square feet per side		
<b>Area Bonus for Large lots</b>		Additional square foot for each two linear feet of frontage in excess of 200 feet		
<b>Maximum Height</b>		20 feet		
<b>Location setbacks</b>		Minimum five feet		
<b>Area Bonus for Design#1</b>		Additional 0.25 square feet of area per linear foot of frontage for Brick or Stone Construction materials for base and/or framing (50% Brick or Stone Minimum)		
<b>Area Bonus for Design#2</b>		Additional 0.25 square feet per linear foot of frontage for architectural detailing		
<b>Illumination</b>		Permitted		
<b>Number of signs</b>		One per parcel		
<b>Additional Sign Provision</b>		Two free standing or monument signs or one free standing and one monument sign are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		
<b>Shopping Center District signs</b>	Permitted		Prohibited in A R, CN, CO, or within 100 feet of R	Prohibited on Residential or within 100 feet of Residential
<b>Projecting signs</b>		According to Standards provided herein this table for each sign type		
<b>Wall signs</b>		According to Standards provided herein this table for each sign type		
<b>Canopy signs</b>		According to Standards provided herein this table for each sign type		
<b>Shopping Center pole and monument signs</b>		Each shopping center may erect a maximum of two free-standing signs not larger than 250 square feet in total each (125 square feet per sign face for double faced signs).		
<b>Individual Building pole and monument sign</b>		A business located in a separate building from the shopping center and on a separate tract of land shall be permitted an additional sign consisting of not more than one free-standing sign not more than six feet in height nor more than two square feet per foot of lot frontage, not to exceed a total of 100 square feet or 50 square feet per sign face (for a double faced sign).		
<b>Single-color electronic signs</b>		One per building, to be located on monument sign		
<b>Maximum Quantity of signs per development</b>		Maximum of two development signs per shopping center, in addition to one sign per building as permitted herein		
<b>Window Signs</b>	Permitted		Not prohibited	Not prohibited
<b>Area allowance</b>		25% of window		
<b>Number of signs</b>		One per window		
<b>Dynamic Digital Display (Single Color)</b>	Permitted	No specific provisions, to be treated as a face on any other sign type	Prohibited in A and R	Prohibited on Residential
<b>Dynamic Digital Display (Multiple Color)</b>	Conditional Use		Prohibited in A R, CN, CO, or within 125 feet of R	Prohibited on Residential or within 125 feet of Residential
<b>Area allowance</b>		0.25 square feet per foot of lot frontage		
<b>Maximum Area</b>		30 square foot total or 15 square feet per sign face, or 50% of the copy area whichever is less		
<b>Maximum Area with Bonuses</b>		60 square feet or 30 square foot per side, or 50% of the copy area whichever is less		
<b>Maximum Height of signs less than 30 SF</b>		25 feet		
<b>Minimum Height of signs less than 30 SF</b>		20 ft		
<b>Maximum Height of signs more than 30 SF</b>		35 feet		
<b>Minimum Height of signs more than 30 SF</b>		25 feet		
<b>Location setbacks</b>		Minimum ten feet from arterial, or local road frontage, Minimum 50 feet from side yard property line		
<b>Area bonus for setback</b>		Additional square foot per side for each additional two linear feet setback in excess of ten feet		
<b>Maximum Quantity</b>		One per lot or shopping center		
<b>*One Free Standing Sign is permitted per parcel, unless otherwise noted</b>				

## Mixed Urban

Permitted Sign Types	Permitted	Base Regulations	Zoning	Land Uses
Projecting Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	One square foot per linear foot of lot frontage			
<b>Maximum Area</b>	80 square feet, Max of 40 square feet/side			
<b>Minimum Height</b>	Bottom of sign structure shall be at least 12 feet above the ground grade			
<b>Maximum Quantity</b>	No maximum number			
Wall Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	15 percent of wall area			
<b>Maximum Height</b>	Roofline			
<b>Maximum Quantity</b>	No maximum number			
Canopy Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area allowance</b>	25 percent of the canopy or awning on which they are applied			
<b>Maximum Height</b>	Top of first story			
<b>Maximum Quantity</b>	No maximum number			
Foundation Monument Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family except as permitted by 1155.04 (a)(1)(2)(3)
<b>Area allowance</b>	1.5 square feet per foot of lot frontage			
<b>Maximum Area</b>	100 square feet/50 Square feet per side			
<b>Maximum Area with Bonuses</b>	150 square feet/75 Square feet per side			
<b>Area Bonus for Large lots</b>	Additional one square foot to total area for each 2 linear feet of lot frontage in excess of 200 feet			
<b>Maximum Height</b>	Six feet			
<b>Maximum Height with Bonuses</b>	Ten feet			
<b>Location setbacks</b>	Minimum five feet, Out of line of sight			
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
<b>Design Standards</b>	Requires Continuous Footer Foundation			
<b>Area Bonus for Design</b>	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
<b>Height Bonus for Design</b>	Additional one feet of height for architectural detailing			
<b>Maximum Quantity</b>	One sign per parcel			
<b>Additional Sign Provision</b>	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 60 square feet, 30 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)			
<b>Combined Use Sign Provision</b>	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)			
<b>Additional Sign Provision for large lots</b>	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.			
<b>Traditional monument signs</b>	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
<b>Area Allowance</b>	One square foot per foot of lot frontage			
<b>Maximum Area</b>	80 square feet/40 Square feet per side			
<b>Maximum Area with Bonuses</b>	100 square feet/50 Square feet per side			
<b>Area Bonus for Large lots</b>	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
<b>Maximum Height</b>	Five feet			
<b>Maximum Height with Bonuses</b>	Six feet			
<b>Location setbacks</b>	Minimum five feet, Out of line of sight			
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
<b>Area Bonus for Design</b>	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
<b>Height Bonus for Design</b>	Additional one feet of height for architectural detailing			

<b>Maximum Quantity</b>	One sign per parcel		
<b>Additional Sign Provision</b>	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 40 square feet, 20 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)		
<b>Combined Use Sign Provision</b>	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)		
<b>Additional Sign Provision for large lots</b>	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.		

### **Mixed Urban (Continued)**

<b>Monolith signs</b>	<b>Permitted</b>		<b>Prohibited in A and R</b>	<b>Prohibited on Residential</b>
<b>Area allowance</b>	1.25 square feet per foot of lot frontage			
<b>Maximum Area</b>	150 square feet/75 Square feet per side			
<b>Maximum Area with Bonuses</b>	200 square feet/100 Square feet per side			
<b>Area Bonus for Large lots</b>	Additional one square foot to total area for each 2 linear feet of lot frontage in excess of 200 feet			
<b>Maximum Height</b>	15 feet			
<b>Maximum Height with Bonuses</b>	20 feet			
<b>Location setbacks</b>	Minimum five feet, Out of line of sight			
<b>Height Bonus for Setback</b>	Additional one foot in height for each additional three linear feet setback in excess of five feet			
<b>Design Standards</b>	Requires Continuous Footer Foundation			
<b>Area Bonus for Design</b>	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
<b>Height Bonus for Design</b>	Additional one feet of height for architectural detailing			
<b>Maximum Quantity</b>	One sign per parcel			
<b>Additional Sign Provision</b>	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.			
<b>Pole Signs</b>	<b>Permitted</b>		<b>Prohibited In A, R, CN, CO, or within 100 feet of R</b>	<b>Prohibited on Residential or within 100 feet of Residential</b>
<b>Area allowance</b>	One square feet per foot of lot frontage			
<b>Maximum Area</b>	150 square feet/75 Square feet per side			
<b>Maximum Area with Bonuses</b>	175 square feet/87.5 Square feet per side			
<b>Area Bonus for Large lots</b>	Additional square foot for each two linear feet of frontage in excess of 200 feet			
<b>Maximum Height</b>	20 feet			
<b>Location setbacks</b>	Minimum five feet			
<b>Area Bonus for Design#1</b>	Additional 0.25 square feet of area per linear foot of frontage for Brick or Stone Construction materials for base and/or framing (50% Brick or Stone Minimum)			
<b>Area Bonus for Design#2</b>	Additional 0.25 square feet per linear foot of frontage for architectural detailing			
<b>Illumination</b>	Permitted			
<b>Number of signs</b>	One per parcel			
<b>Additional Sign Provision for large frontage</b>	Two free standing or monument signs or one free standing and one monument sign are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.			
<b>Shopping Center District signs</b>	Prohibited		Prohibited in A, RS, RM, CN, CO, or within 100 feet of R	Prohibited on Residential or within 100 feet of Residential
<b>Window Signs</b>	Permitted		Not prohibited	Not prohibited
<b>Area allowance</b>	25% of window			
<b>Number of signs</b>	One per window			
<b>Dynamic Digital Display (Single Color)</b>	Permitted	No specific provisions, to be treated as a face on any other sign type	Prohibited in A and R	Prohibited on Residential
<b>Dynamic Digital Display (Multiple Color)</b>	Conditional Use		Prohibited in A, CN, CO, or within 125 feet of R	Prohibited on Residential or within 125 feet of Residential
<b>Area allowance</b>	0.25 square feet per foot of lot frontage			
<b>Maximum Area</b>	30 square foot total or 15 square feet per sign face, or 50% of the copy area whichever is less			
<b>Maximum Area with Bonuses</b>	60 square feet or 30 square foot per side, or 50% of the copy area whichever is less			
<b>Maximum Height of signs less than 30 SF</b>	25 feet			
<b>Minimum Height of signs less than 30 SF</b>	20 ft			
<b>Maximum Height of signs more than 30 SF</b>	35 feet			
<b>Minimum Height of signs more than 30 SF</b>	25 feet			
<b>Location Setbacks</b>	Minimum 10 feet from arterial, or local road frontage, minimum 50 feet from side yard property line			
<b>Area bonus for setback</b>	Additional square foot per side for each additional 2 linear feet setback in excess of 10 feet			
<b>Maximum Quantity</b>	One per lot or shopping center			
<b>*One Free Standing Sign is permitted per parcel, unless otherwise noted</b>				

## Residential

Permitted Sign Types	Permitted	Base Regulations	Zoning	Land Uses
Projecting Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	One square foot per linear foot of lot frontage			
Maximum Area	80 square feet, Max of 40 square feet/side			
Minimum Height	Bottom of sign structure shall be at least 12 feet above the ground grade			
Maximum Quantity	No maximum number			
Wall Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	15 percent of wall area			
Maximum Height	Roofline			
Maximum Quantity	No maximum number			
Canopy Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area allowance	25 percent of the canopy or awning on which they are applied			
Maximum Height	Top of first story			
Maximum Quantity	No maximum number			
Foundation Monument Signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family except as permitted by 1155.04 (a)(1)(2)(3)
Area allowance	1.5 square feet per foot of lot frontage			
Maximum Area	100 square feet/50 Square feet per side			
Maximum Area with Bonuses	150 square feet/75 Square feet per side			
Area Bonus for Large lots	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
Maximum Height	Six feet			
Maximum Height with Bonuses	Ten feet			
Location setbacks	Minimum five feet, Out of line of sight			
Height Bonus for Setback	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
Design Standards	Requires Continuous Footer Foundation			
Area Bonus for Design	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
Height Bonus for Design	Additional one feet of height for architectural detailing			
Maximum Quantity	One sign per parcel			
Additional Sign Provision	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 60 square feet, 30 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)			
Combined Use Sign Provision	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)			
Additional Sign Provision for large lots	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.			
Traditional monument signs	Permitted		Permitted in all zoning districts	Prohibited on Residential Single Family
Area Allowance	One square foot per foot of lot frontage			
Maximum Area	80 square feet/40 Square feet per side			
Maximum Area with Bonuses	100 square feet/50 Square feet per side			
Area Bonus for Large lots	Additional one square foot to total area for each two linear feet of lot frontage in excess of 200 feet			
Maximum Height	Five feet			
Maximum Height with Bonuses	Six feet			
Location setbacks	Minimum five feet, Out of line of sight			
Height Bonus for Setback	Additional one foot in height for each additional two linear feet setback from property line in excess of five feet			
Area Bonus for Design	Additional five square feet per side for Brick or Stone Construction materials for base and/or framing (50 percent Brick or Stone Minimum)			
Height Bonus for Design	Additional one feet of height for architectural detailing			
Maximum Quantity	One sign per parcel			
Additional Sign Provision	When two or more uses are located on a lot in two or more buildings, one monument sign shall be permitted for each building. Each monument sign shall not exceed an area of 40 square feet, 20 square feet per sign face (for a double faced sign). (Area and height bonus privileges do not apply)			
Combined Use Sign Provision	In lieu of the additional sign provisions above, When two or more uses are located on a lot in two or more buildings, a common monument shall be permitted. The maximum area of the common sign may be 50 percent larger than the area of the maximum individual sign allowed.(Area and height bonus privileges do apply)			
Additional Sign Provision for large lots	Two signs are permitted provided that frontage along a single lot is not less than 160 feet. The distance between two free standing signs shall be no less than 150 feet as measured along the frontage of the lot.			
Monolith Signs	Prohibited		Prohibited	Prohibited

<b>Monolithic Signs</b>	<b>Permitted</b>	<b>Prohibited</b>	<b>Permitted</b>	<b>Prohibited</b>
Pole Signs	Prohibited		Prohibited	Prohibited
Shopping Center District signs	Prohibited		Prohibited	Prohibited
window signs	Permitted		Prohibited in A and R	Prohibited on Residential
Area allowance	25% of window			
Number of signs	One per window			
Dynamic Digital Display (Single Color)	Prohibited		Prohibited	Prohibited
Dynamic Digital Display (Multiple Color)	Prohibited		Prohibited	Prohibited
*One Free Standing Sign is permitted per parcel, unless otherwise noted				

## CHAPTER 1156

### Fence and Hedge Requirements

**1156.01 Location and height.**

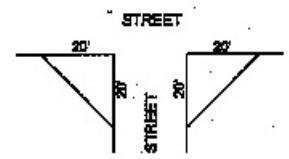
**1156.02 Enclosures.**

**1156.03 Barbed wire and electric fences.**

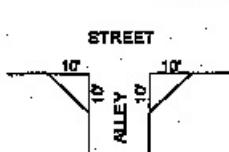
**1156.01 LOCATION AND HEIGHT.**

A wall, hedge, or fence not over eight (8) feet high may be erected in any front, side, or rear yard or court provided that the following conditions are met:

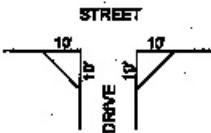
- (a) The height of any such wall, hedge, or fence shall not exceed the distance from that point to the nearest point of any building. However, a wall or fence may be erected to a height of four (4) feet where it is to be located less than four (4) feet from an adjacent building.
- (b) In any front yard, a wall or fence more than ten (10) percent solid shall not exceed a height of two and one-half (2.5) feet, except where a solid wall, hedge or fence is required by this code for screening purposes and except where visibility triangles are provided as required by subsection below.
- (c) In an R or C District or within fifty (50) feet of an R or C District along the same frontage, walls, hedges or fences within the front yard shall not exceed a height of four (4) feet.
- (d) Visibility at intersections:
  1. Street intersections. A visibility triangle with no wall, hedge or fence more than ten (10) percent solid above the height of 2.5 feet shall be provided at all street intersections including at least the area within the first twenty (20) feet along the intersecting right-of-way lines (projected if rounded) and a line connecting the ends of such twenty-foot lines.
  2. Intersections of alleys with streets. A visibility triangle with no wall, hedge or fence more than ten (10) percent solid above the height of 2.5 feet high shall be provided at all intersections of alleys with streets including at least the area within the first ten (10) feet along the intersecting right-of-way lines (projected if rounded) and a line connecting the ends of such ten-foot lines.
  3. Intersection of driveways with streets. A visibility triangle with no wall, hedge or fence more than ten (10) percent solid above the height of 2.5 feet high shall be provided by measuring ten (10) feet in from the intersection of a driveway boundary and property lines away from the driveway with the ends of the two 10-foot lines connected in a straight line to form the visibility triangle.
  4. At intersections of alleys with alleys. A visibility triangle with no wall, hedge or fence more than ten (10) percent solid above the height of 2.5 feet high shall be provided at all intersections of alleys with alleys including at least the area within the first ten (10) feet along the intersecting right-of-way lines (projected if rounded) and a line connecting the ends of such ten-foot lines.



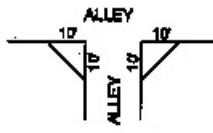
**Illustration A**



**Illustration B**



**Illustration C**



**Illustration D**

### **1156.02 ENCLOSURES.**

Except as otherwise provided, fenced enclosures shall be provided for dog runs and for swimming pools with a depth of 36 inches or more and shall be subject to the following requirements:

- (a) Dog runs shall be enclosed by a fence of sufficient height and construction to contain the dog at all times.
- (b) An outdoor swimming pool, the edge of which is less than four (4) feet above grade, shall be completely enclosed by a fence not less than four (4) feet in height. The fence shall be so constructed as not to allow a five (5) inch diameter sphere to pass through the fence. A principal or accessory building may be used as part of such enclosure.
- (c) All gates or doors opening through an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any building which forms a part of the enclosure need not be so equipped. The Building Official or his designee may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded herein.

(Ord. 02-177. Passed 4-16-02.)

### **1156.03 BARBED WIRE AND ELECTRIC FENCES.**

Except in the A Agricultural District, barbed wire and electric fences shall be subject to the following requirements.

- (a) Barbed wire shall consist of twisted wires with barbs on each wire a minimum distance of four (4) inches apart. Concertina wire shall be prohibited.
- (b) Except for the enclosure of livestock operations, barbed wire fences shall be permitted only in the C, M, or RDP districts, provided that the bottom strand of barbed wire shall not be less than six (6) feet above grade.
- (c) Except for the enclosure of livestock operations, electric fences shall not be permitted in any district.
- (d) An electric fence for the enclosure of livestock operations shall not carry a charge greater than 25 milliamperes nor a pulsating current longer than one-tenth (1/10) second in a one (1) second cycle. All electric fence charges shall carry the seal of an approved testing laboratory.
- (e) Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within five (5) feet of a street right-of-way line where a public sidewalk does not now exist.

## **TITLE SIX - Accessory Use and Structural Requirements**

## CHAPTER 1158

### Tree Regulations

#### 1158.01 General.

#### 1158.02 Specific requirements.

#### 1158.01 GENERAL.

(a) **Purpose.** The purpose of these regulations is to assure that trees are planted and/or preserved with the development or redevelopment of buildings and parking areas and with the establishment or conversion of uses according to the best ecological concepts, environmental objectives, and site planning principles.

(b) **General applicability.** No certificate of occupancy shall be issued for the establishment or conversion of any use without conformity with the provisions of this chapter. However, the following shall be exempt from this chapter:

- (1) Property developed according to the yard requirements of the district in such a manner that insufficient area is available to achieve compliance with the tree regulations; however, all trees that can be in compliance with these requirements shall be provided.
- (2) Any lot occupied by a single-family dwelling, except a townhouse.

(c) **Recommended species of trees.** The varieties and sizes of trees permitted by this code for the use indicated are specified in the list of Recommended Trees for Springfield, Ohio, (as provided by the City Forestry Division.) Trees not included on the list may be used to fulfill the requirements of this chapter upon approval of the City Forestry Division.

(d) **Installation.** All tree plantings required by this chapter shall be installed before occupancy or commencement of a use. If because of weather conditions the plantings cannot be installed before occupancy or commencement of a use, the Community Development Director or Director's designee may issue a temporary zoning certificate and grant a delay of tree installation until the seasonal calendar dates of March 15 or September 1, whichever occurs first. Tree installation shall then occur within 60 days after the calendar date.

(e) **Planting sizes.** The following specifications shall be met at the time of planting:

- (1) **Large deciduous trees.** This type of tree shall have a minimum trunk diameter of two (2) inches when measured six (6) inches above established grade and show the growth capabilities, branch formation and crown balance that is indigenous to the particular variety. This type of tree is regarded as a "large" tree in this chapter and will attain a height of 45 feet or more.
- (2) **Medium deciduous trees.** This type of tree shall have a single stem and a minimum trunk diameter of two (2) inches when measured six (6) inches above established grade and show the growth capabilities, branch formation and crown balance that is indigenous to the particular variety. This type of tree is regarded as a "medium" tree in this chapter and will attain a height of 30 to 45 feet.
- (3) **Small deciduous trees.** This type of tree shall have a single stem and a minimum trunk diameter of two (2) inches when measured six (6) inches above grade and show the growth capabilities, branch formation and crown balance that is indigenous to the particular variety. This type of tree is regarded as a "small" tree in this chapter and will attain a height of 20 to 30 feet.
- (4) **Coniferous trees.** This type of tree shall have a minimum height of five (5) feet when measured from the planted level to the top of the tree. This height may be reduced to three (3) feet when it is required to be used for screening purposes. The needle color and branching habits shall be normal for the species and the appearance shall be indicative of previous care in pruning and development.

(f) **Maintenance.** It shall be the responsibility of the owner of a lot to maintain and replace, if necessary, trees required by these provisions after their planting. Any trees on the public right-of-way or on private property that overhang the public right-of-way shall be maintained according to the provisions of Chapter 907 of the Codified Ordinances of Springfield, Ohio, as amended. All plantings shall be properly weeded, mulched, and kept free of trash and other unsightly material.

(g) **General provisions.**

- (1) The required distance for the location of a tree shall mean the distance to the center of the trunk.
- (2) Where fractional numbers of trees result, the number of trees required shall be rounded to the closest whole number. If the fractional amount is one half (1/2), the next lowest whole number shall be applied.
- (3) Existing trees may be used to satisfy the requirements of the tree regulations, provided they meet the minimum size requirements for trees at initial planting and they are an approved tree per the list of Recommended Trees for Springfield, Ohio, or are approved by the City Forestry Division.

(h) **Site plan.** When provisions of the tree regulations are applicable, a plot plan shall be submitted with the request for a zoning certificate and shall include:

- (1) The size and location of required planting areas; and
- (2) The mature height (small, medium, or large), location, and type (evergreen or deciduous) of existing and proposed tree plantings within and adjacent to the street right-of-way.

## **1158.02 SPECIFIC REQUIREMENTS.**

**(a) Trees adjacent to and within street rights-of-way.** The following provisions shall regulate the planting of trees adjacent to and within street rights-of-way.

**(1) Applicability.**

- A. Whenever a new use is established or the conversion of a use occurs, the requirements of this subsection shall be applicable to the entire lot.
- B. Whenever a principal building is constructed, reconstructed or structurally altered by one or more additions, the total of which increases the floor area by more than 10 percent, the requirements of this subsection shall be applicable to the entire lot on which the building is located. If there is more than one building on a lot, this provision shall apply when the total floor area for all the buildings is increased by more than 10 percent.
- C. If any provision of this chapter would preclude the planting of one or more trees adjacent to the right-of-way, the trees that cannot be planted adjacent to the right-of-way shall be planted within the right-of-way according to the provisions of paragraph 1158.02(a)(3) titled *Placement of trees within street rights-of-way*. Trees that cannot then be planted in conformity with the provisions of that paragraph may be omitted.

**(2) Required tree planting adjacent to street rights-of-way.**

- A. Trees shall be planted at a minimum ratio of one tree for every 40 feet of lot frontage.
- B. Trees shall be planted adjacent to street rights-of-way.
- C. Large and medium trees shall not be spaced closer than 30 feet apart nor closer than 14 feet of a building. Small trees shall not be spaced closer than 16 feet apart nor closer than (8) feet of a building. Where screening is appropriate or required, this spacing may be reduced, provided the trees are planted according to the provisions of subsection 1161.01(h), Screening, and are of a variety suitable for screening.
- D. At street intersections, trees shall not be located within 70 feet of the intersection of curb lines (or pavement edge where curbs do not exist) when planted along arterial streets, within 50 feet when planted along collector streets, nor within 30 feet of the intersection of local streets. (City Engineer is to calculate distances.)
- E. Trees shall be placed to avoid interference with the construction, maintenance and operation of public and private utilities and services above or below ground as determined by the utility companies and the City Engineer.

**(3) Placement of trees within street rights-of-way.**

- A. A tree planting permit shall be obtained from the City Forestry Division; or for new developments, placement and species of trees in street rights-of-way shall be provided on construction drawings.
- B. No trees shall be planted where the width of the area between a curb and a sidewalk is less than four (4) feet. If no sidewalk exists, the width between a curb and a right-of-way line shall be at least nine (9) feet. Trees shall not be located within two (2) feet of a street curb or edge of pavement where a curb does not exist, within two (2) feet of a sidewalk, nor within six (6) feet of a right-of-way line where a sidewalk does not exist. (City Engineer or Engineer's designee is to determine how close a tree should be to the street pavement where a curb does not exist.)
- C. At street intersections, trees shall not be located within 70 feet of the intersection of curb lines (or pavement edge where curbs do not exist) when planted along arterial streets, within 50 feet when planted along collector streets, nor within 30 feet of the intersection of local streets. (City Engineer or Engineer's designee is to calculate distances.)
- D. At the intersection of a street and a drive or at the intersection of a street and an alley, trees shall not be located within 15 feet of the edge of the drive or the right-of-way line of the alley.
- E. Large and medium trees shall not be spaced closer than 30 feet apart nor closer than 14 feet of a building. Small trees shall not be spaced closer than 16 feet apart nor closer than eight (8) feet of a building.
- F. Trees shall be placed to avoid interference with the construction, maintenance and operation of public and private utilities and services above or below ground as determined by the utility companies and the City Engineer.
- G. No tree shall be planted within 10 feet of a utility pole.

**(b) Trees on private property for residential uses.**

- (1) Applicability.** Whenever a building containing a duplex or multi-family residential use is constructed, reconstructed or structurally altered by one or more additions, the total of which increases the floor area by more than 10 percent, the requirements of paragraph (2) shall be applied to the entire lot on which the building is located. If there is more than one (1) building on a lot, this provision shall apply when the total floor area for all the buildings is increased by more than 10 percent.

**(2) Required tree planting for residential uses.**

- A. Trees shall be planted at the minimum ratio of one (1) tree for every 500 square feet of total building coverage of the lot. Existing trees with a minimum trunk diameter of six (6) inches measured six (6) inches above established grade may be substituted for new trees at the ratio of one (1) existing tree for every two (2) new trees. Where residential uses are combined with other uses, the building coverage shall be determined on the basis of the greatest amount of residential floor area of any floor that is wholly or partially devoted to a residential use. Except for trees planted for screening purposes, trees planted to fulfill the requirements of Subsection 1158.02(a) titled *Trees adjacent to and within street rights-of-way*, and Subsection 1158.02(b) titled *Trees on private property for residential uses*, may be used to fulfill the requirements of this subsection.
- B. Large and medium trees shall not be located closer than 14 feet to a building. Small trees shall not be located closer than eight (8) feet to a building.
- C. Trees shall not be located within four (4) feet of a right-of-way-line.

D. At street intersections within the right-of-way or within eight (8) feet of the right-of-way, trees shall not be located within 70 feet of the intersection of curb lines (or pavement edge where curbs do not exist) along arterial streets, within 50 feet along collector streets, or within 30 feet along local streets. In instances where two different types of streets intersect, the location of the tree shall be determined by the type of street adjacent to the proposed tree. (City Engineer or Engineer's designee is to calculate distances.)

(Ord. 15-42. Passed 2-17-15.)

## CHAPTER 1161

### 1161.01 General.

### 1161.02 Requirements.

#### 1161.01 GENERAL.

(a) **New uses.** Any commercial or industrial use established after the effective date of this code shall comply with the minimum performance standards contained in this chapter.

(b) **Existing uses.** Existing lawfully conforming or nonconforming commercial and industrial uses which are not in compliance with the performance standards of this code are exempt from the requirements of this chapter. However, a use that does not comply with the standards shall not be increased in the degree of noncompliance. Such uses shall be permitted to be enlarged or altered provided that the enlargement or alteration complies with these performance standards.

(c) **Certification.** When necessary, the Director of Community Development or his designee may require of the applicant certification by a registered professional engineer or other qualified person, at the expense of the applicant, that the performance standards for a proposed use can be met.

#### 1161.02 REQUIREMENTS.

(a) **Smoke.** The emission of smoke from any operation or activity shall not exceed a density or equivalent opacity permitted below. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

- (1) In the C and RDP districts, the emission beyond lot lines of smoke darker in shade than Ringelmann No. 1 from any chimney, stack, vent, opening or combustion process shall be prohibited.
- (2) In the M districts, the emission of smoke darker in shade than Ringelmann No. 2 from any chimney, stack, vent, opening or combustion process beyond district boundary lines shall be prohibited, except that the emission of smoke of a shade not to exceed Ringelmann No. 3 is permitted for not more than three (3) minutes total in any one eight (8) hour period when starting or cleaning a fire.

(Ord. 03-244. Passed 7-8-03.)

(b) **Particulate matter.** No person shall operate or cause to be operated any furnace or combustion device for the burning of coal or other natural or synthetic fuels without using approved equipment, methods, or devices to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air exceeding a rate permitted below at the temperature of 500 degrees Fahrenheit. For the purpose of determining the adequacy of such devices, these conditions shall apply when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and lye ash shall be completely eliminated insofar as escape or emission into the open air is concerned.

- (1) In the C and RDP districts, the emission of particulate matter suspended in air shall not exceed 0.35 grains (.0023 ounces) per standard cubic foot (70 degrees F. and 14.7 psia) of air during any one hour period or a total from all vents and stacks of one-half (1/2) pound per acre of lot area during any one hour period.
- (2) In the M districts, the emission of particulate matter suspended in air shall not exceed 0.35 grains (.0023 ounces) per standard cubic foot (70 degrees F. and 14.7 psia) of air during a one (1) one hour period for a total from all vents and stacks of three (3) pounds per hour per acre of lot area during any one hour period.

(Ord. 03-244. Passed 7-8-03.)

(c) **Toxic matter.** The release of airborne toxic matter from any operation or activity shall not exceed the fractional quantities permitted below of the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not listed, verification that the proposed level of toxic matter will be safe and not detrimental to the public health or injurious to plant and animal life shall be required. The measurement of toxic matter shall be on the average of any 24 hour sampling period.

- (1) In the C and RDP districts, the release beyond lot lines of airborne toxic matter shall not exceed one-eighth (1/8th) of the Threshold Limit Values.
- (2) In the M districts, the release beyond district boundary lines of airborne toxic matter shall not exceed one-eighth (1/8th) of the Threshold Limit Values.

(Ord. 03-244. Passed 7-8-03.)

(d) **Odor.** The emission of offensive odorous matter from an operation or activity shall not exceed the odor threshold concentration defined in the American Society for Testing and Material Method D1391-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" as the level which will just evoke a response in the human olfactory system when measured as follows:

- (1) In the C and RDP districts, when measured five (5) feet above ground level, odorous matter shall not exceed the odor threshold

concentration beyond lot lines.

- (2) In the M districts, when measured five (5) feet above ground level, odorous matter shall not exceed the odor threshold concentration beyond district boundary lines.  
(Ord. 03-244. Passed 7-8-03.)

(e) **Vibration.** Earthborne vibrations from any operation or activity shall not exceed the displacement values below. Vibration displacement shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum vector resultant shall be less than the vibration displacement permitted as determined by the following formula:

D = K/f where:	D = displacement in inches
	K = constant given in table below
	f = frequency of the vibration transmitted through the ground in cycles per second

Constant K by Type of Vibration			
District and Place of Measurement	Continuous	Impulsive (at least 1 second rest between pulses which do not exceed 1 second duration)	Less than 8 pulses per 24-hr period
C & RDP District: at lot lines	0.003	0.006	0.015
M Districts: at district boundary lines	0.030	0.060	0.150
at R Districts, recreational area, or school	0.003	0.006	0.015 boundary lines

(Ord. 03-244. Passed 7-8-03.)

(f) **Glare.** Glare or light from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner that all direct or indirect illumination shall not exceed .35 footcandles at an R district boundary and the source of light shall not be visible within an R district or within a lot of a conforming residential use in a C district.

(g) **Storage.** Except in the CC-2, CH-1, CI-1, M-1 and M-2 districts and in the CB-10 district during times that an establishment is open for business, the open storage of merchandise, materials and equipment shall not be permitted unless the following requirements are met:

- (1) Storage of merchandise, materials and equipment shall be completely screened from view by a solid fence as required in Subsection (h) below.
- (2) All flammable/combustible materials shall be stored in compliance with Part 15 of the Codified Ordinances.  
(Ord. 03-244. Passed 7-8-03.)

(h) **Screening.** Where a lot occupied by a commercial or industrial use is abutting or within 150 feet across a street, alley or railroad right-of-way from a residential lot in an R district, screening shall be preserved, planted or constructed and maintained by the owner of the commercial or industrial use in accordance with the provisions set forth below.

- (1) **Location.**
  - A. Except for a use in the RDP district, screening shall be provided along side or rear lot lines in a manner sufficient to effectively obscure the residential use from view of the commercial or industrial use a minimum of six (6) feet above ground.
  - B. Across a street, alley or railroad right-of-way and in an RDP district, screening shall be provided in a location and manner sufficient to effectively obscure the residential use from view of all off-street parking and loading, storage or other such areas of activity associated with the commercial or industrial use a minimum of four (4) feet above ground level.
- (2) **Screening.**
  - A. An evergreen planting screen of pyramidal arbor vitae, the plantings being at least three (3) feet high when planted and spaced four (4) feet on center, shall be used. However, other evergreen varieties may be used if approved by and spaced according to the City Forestry Division. Where because of physical limitations an arbor vitae screen will be ineffective, a taller variety of evergreen plantings shall be used. The planting bed shall have a minimum dimension of four (4) feet, be free of any impervious surface, and be separated from streets, drives and parking areas by an unmountable curb or barrier in such a manner that sand and saltwater runoff will not damage the screening.

(Ord. 03-244. Passed 7-8-03.)

- B. Alternative to a planting screen, a solid fence of durable construction; an earthen berm covered with grass or low shrubs; and/or other acceptable materials which provide maximum visual obscurity to a minimum height required by this code may be used. A solid fence shall not constitute a public nuisance as defined in Chapter 1323 of the Codified Ordinances of Springfield.

**(3) Time of installation.**

- A. If a lot proposed for a commercial or industrial use is located adjacent to or opposite an existing residential use or subdivision in an R district, screening which meets the requirements of this chapter shall be installed prior to occupancy or commencement of the use. However, the Community Development Director or his designee may grant a delay to install plant materials during a more favorable part of the year. If a delay is granted, materials shall be installed before the seasonal calendar dates of June 1 or November 1, whichever comes first.
- B. If "A" above is not the case, screening need not be provided until within six (6) months after a building permit is issued for a residential use in an R district on adjacent or opposite land.

**(4) Exceptions.**

- A. Screening need not be provided for cemeteries.
- B. Screening may be waived by the Director of Community Development or his designee where the view is or will be blocked by a change in grade or by natural or man-made features to the same degree as would be provided by screening which meets the requirements of this chapter.

- (5) Maintenance.** The owner shall keep all screening properly maintained, free of trash and litter, and all mature plant materials pruned in such a manner as to provide effective visual obscurity from the ground to the height required by this chapter.

## **TITLE SEVEN - Nonconformities**

Chap. 1171. Nonconformities

### **CHAPTER 1171**

#### **Nonconformities**

**1171.01 Purpose.**

**1171.02 General provisions.**

**1171.03 Nonconforming uses.**

**1171.04 Nonconforming structures.**

**1171.05 Nonconforming lots.**

**1171.01 PURPOSE.**

It is the purpose of this code to regulate nonconforming uses and structures because they are incompatible with permitted uses and structures in the district in which they are located. The lawful use of any building or land existing on the effective date of this code may continue even though such use or land does not conform with the provisions of this code. Nonconforming structures shall be regulated to prevent an increase in the degree of nonconformity.

**1171.02 GENERAL PROVISIONS.**

(a) The lawful use of any structure or premises existing and lawful at the time of enactment of or an amendment to this code, may be continued, even though such use does not conform with the provisions of this code. However, nothing in this code shall be interpreted as authorization for continued use of a structure or land established in violation of the zoning regulations in effect prior to the enactment of this code and in continued violation of this code.

(b) Regardless of any other provision of this code, a nonconforming use shall be treated as a conforming use for as long as the use is in existence. Accordingly, the following rights shall be :

- (1) If a nonconforming use is damaged by fire, explosion, act of God, or by a public enemy, it may be restored.
- (2) If a structure or structures for a nonconforming use is destroyed or damaged by fire, explosion, act of God, or by a public enemy, they may be reconstructed.
- (3) A nonconforming use shall be permitted to have the same amount and type of signage as would be allowed for such use in the most restrictive district in which such nonconforming use is .
- (4) A nonconforming use may be converted to another nonconforming use first permitted in the same or more restrictive district as the existing use, provided it is not converted to a use permitted in a more restrictive district than the district in which the nonconforming use is located.

**1171.03 NONCONFORMING USES.**

Except as otherwise provided in this code, nonconforming uses and structures for nonconforming uses shall be regulated as follows:

- (a) No nonconforming use shall be relocated on a lot. However, if the building is nonconforming, it may be relocated meeting the requirements of Section 1171.04 below.
- (b) A nonconforming use may be enlarged as a conditional use authorized by the Board of Zoning Appeals, provided the following

limitations shall :

- (1) The enlargement may not exceed 25 percent of the total floor area of the use when it first became nonconforming.
- (2) The enlargement may not violate the yard and area requirements of Chapter 1150 nor the height requirements of Chapter 1151.
- (c) A nonconforming use that has become abandoned for one (1) year or more shall revert to a conforming use. However, a nonconforming use may be reestablished as a conditional use authorized by the Board of Zoning Appeals, provided the following limitations shall :
  - (1) The conditional use shall be for one of the following uses:
    - A. The nonconforming use that previously.
    - B. Another nonconforming use first permitted in the same or more restrictive district as the previous use and that is not a use permitted in a more restrictive district than the district in which the nonconforming use is located.
    - C. Any use that has been granted an exemption from federal taxes under the Internal Revenue Code as a Section 501(c)(3) organization.
  - (2) The Board shall determine that the building in which the previous nonconforming use was located is not suitable as a building for a conforming.
  - (3) The building in which the previous nonconforming use was located shall be brought into compliance with other city and state regulations.

#### **1171.04 NONCONFORMING STRUCTURES.**

Except as otherwise provided in this code, nonconforming buildings and structures shall be regulated as follows:

- (a) Changes, including structural alterations, may be made to a nonconforming structure or to a structure for a nonconforming use to meet the minimum requirements of other city and state regulations.
- (b) A nonconforming structure that has been destroyed or damaged by fire, explosion, act of God, or by a public enemy may be rebuilt as it existed before. However, the structure cannot be rebuilt or restored in a different form or in a way that would increase its degree of nonconformity.  
(Ord. 02-177. Passed 4-16-02.)
- (c) A nonconforming building in a Historic Preservation District that has been damaged by fire, act of God, or by a public enemy regardless of the extent of damage, may be restored as a conditional use authorized by the Board of Zoning Appeals. However, the building may not be restored except in compliance with the following requirements:
  - (1) The building shall be placed upon its original foundation or the site of the original foundation or in a location that lessens the degree of the building's nonconformity.
  - (2) The building shall be reconstructed as nearly as possible to the original historic appearance of the building or as regulated by the Landmarks Commission.
  - (3) The Landmarks Commission shall give authorization to the manner in which the building is reconstructed.
- (d) Any nonconforming structure containing a conforming use may be converted to another conforming use.
- (e) Except as otherwise provided, a nonconforming structure may be structurally enlarged, provided it is structurally enlarged in a way that does not increase or extend the manner in which the structure is nonconforming.
- (f) Any nonconforming structure that is relocated on the same lot shall conform to the provisions of this code.  
(Ord. 02-177, passed 4-16-02; Ord. 13-79, passed 4-2-13.)

#### **1171.05 NONCONFORMING LOTS.**

Except as otherwise provided in this code, nonconforming lots shall be regulated as follows:

- (a) Any use or structure for a use permitted in the district in which the nonconforming lot is located, may be established or built, provided the use or structure meets all other requirements of this code. However, if a lot in a residential district does not have sufficient area for any residential use, only a single-family dwelling may be constructed on the lot subject to building setback and parking requirements.
- (b) If two or more abutting lots are purchased by one person and either one or both lots are nonconforming, the lots involved shall be deemed a single lot for the purposes of this code and no portion of the combined lots shall be sold or used that diminishes compliance with lot frontage, width, and area requirements.  
(Ord. 02-177, passed 4-16-02.)

### **TITLE EIGHT - Board of Zoning Appeals**

Chap. 1172. Board of Zoning Appeals

## **CHAPTER 1172**

### **Board of Zoning Appeals**

- 1172.01 Establishment and appointment.**
- 1172.02 Meetings, records, and general procedures.**
- 1172.03 Applications, appeals, hearings, and decisions of the board.**
- 1172.04 Interpretations of the code and map.**
- 1172.05 Conditional uses.**
- 1172.06 Variances.**
- 1172.07 Appeals from the Historic Landmarks Commission.**

## **1172.08 Powers; exercise and extent.**

1172.09 Expiration of authorizations.

### **1172.01 ESTABLISHMENT AND APPOINTMENT.**

(a) A Board of Zoning Appeals is hereby established having the powers as hereinafter indicated. Such Board shall consist of seven (7) members appointed by the President of the City Commission with the consent of the Commission, and shall include one (1) member of the City Planning Board. The members of the Board of Zoning Appeals and their terms of office as of June 4, 1991, shall be established by an Ordinance enacted by the City Commission. The terms of the representative of the City Planning Board shall expire with that of his Planning Board appointment. No member shall serve more than three (3) consecutive terms. After a member has served during three (3) consecutive terms, he shall be ineligible for reappointment to the Board of Zoning Appeals. As the terms of all members expire, except the representative of the City Planning Board, their successors shall each be appointed for three-year terms. Vacancies shall be filled in the same manner as original appointments, and shall be for the unexpired term.

(b) The Director of Community Development or his designated representative shall be the Secretary for the Board. The Director of Community Development or his designated representative shall be technical adviser to the Board and shall be present at all meetings of the Board.

(c) Persons eligible for service on the Board shall meet the following qualifications:

(1) Persons serving on another City board or commission shall not be eligible to serve on the Board; provided, however one member may serve on both the City Planning Board and the Board of Zoning Appeals.

(2) Persons serving on the Board shall be electors of the city.

(3) A person who is a member of a City employee's family, as defined in Section 111.04, or an elected public officials shall not be eligible to serve on the Board.

(Ord. 12-110. Passed 4-10-12.)

(4) Except as otherwise provided herein, if any member of the Board shall fail to meet any of the qualifications stated in subparagraphs (1) through (3) of Section 1172, his office shall immediately become vacant.

(5) The City Commission, by ordinance and upon finding that the particular expertise of a potential appointee or member is needed on the Board, may waive any or all of the requirements of subparagraphs (1) and (2) for such appointee or member.

(d) If any Board member is absent from three (3) of any six (6) consecutive regularly scheduled Board meetings, his office shall immediately become vacant. Such member shall have the opportunity to explain his absence to the City Commission and may be reappointed by a majority of the City Commission to complete the balance of his term.

### **1172.02 MEETINGS, RECORDS, AND GENERAL PROCEDURES.**

(a) The Board shall elect from its membership a Chairperson, a Vice Chairperson, and such other officers as it may deem necessary. The Board shall establish by rule the term of office for its Chairperson, Vice Chairperson, and other officers; provided, however, no Chairperson shall serve more than three (3) years during a period of nine (9) consecutive years. The term "year" shall mean 12 consecutive months. It shall adopt rules and regulations consistent with all applicable laws and ordinances. Meetings of the Board shall be held once each month, and at such additional times as the Board may determine; provided, however, the Chairperson may cancel a meeting if no member has proposed business to be conducted at the meeting. The time of regular monthly meetings shall be specified in the rules and regulations of the Board. Special meetings shall be called by the Chairperson or, in his absence, by the Vice Chairperson. There shall be a fixed place of meeting.

(b) The Board shall keep minutes of its proceedings, showing the action of the Board and the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of all its official action, all of which shall be filed promptly in the office of the Board and shall be a public record. The presence of four (4) members shall constitute a quorum. The concurring vote of the majority of a quorum, but in no event fewer than the concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Director of Community Development or his authorized representative or to decide in favor of the applicant on any matter upon which it is required to pass in this Springfield Zoning Code, or to grant a variation from the requirements of this Springfield Zoning Code. The Board shall act by resolution and a copy of each resolution duly adopted shall be filed in the office of the Clerk of the City Commission.

(c) The Board may call on any City departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required. The Chairperson or, in his absence, the Vice Chairperson, may administer oaths. The Board shall have the power to subpoena and require the attendance and testimony of witnesses and may inquire into and hear and examine witnesses in relation to any matter which the Board has the authority to inquire into. In case any person in disobedience of any subpoena issued by the Board, fails or refuses to attend and testify to any matter regarding which he may be lawfully interrogated, the Board shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from a court or a refusal to testify therein.

### **1172.03 APPLICATIONS, APPEALS, HEARINGS AND DECISIONS OF THE BOARD.**

The Board shall act in strict accordance with the procedures specified by law and by this chapter. All applications and appeals made to the Board shall be in writing and shall be filed with the Secretary at least 14 days before the meeting at which they are to be heard. Each application or appeal shall refer to the specific provision of the Springfield Zoning Code involved, and shall set forth exactly the interpretation that is claimed, the use for which a conditional use is sought, a clear description of the land involved or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every appeal from the Historic Landmarks Commission shall state with specificity the provision of Section 1321 the application is appealing. The applicant shall also state the alleged grounds for the appeal.

(Ord. 21-334. Passed 11-9-21.)

(a) **Filing Application.** An application to the Board, in cases in which it has original jurisdiction under the provisions of this chapter, may be taken by any property owner or tenant, or by a governmental officer, department, board or bureau affected. Such application, in a form approved by the Board, shall be filed with the Director of Community Development or his authorized representative who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application, to the Board.

(b) **Filing Appeals.** An appeal to such Board from any ruling of the Director of Community Development or his authorized representative administering any portion of this Springfield Zoning Code may be taken by any property owner or tenant, or by any governmental officer, department, board or bureau affected. An appeal to such Board may be taken from any applicant(s) for Certificates of Appropriateness to determine the reasonableness of decisions made by the Historic Landmarks Commission. All appeals to the Board shall be taken within 20 days after the decision by filing with the Director of Community Development or his authorized representative a notice of appeal, in a form approved by the Board,

specifying the grounds therefor. The Director of Community Development or his authorized representative shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken or, in lieu thereof, certified copies of such papers.

(Ord. 21-334. Passed 11-9-21.)

- (c) **Hearings, Dates and Notices.** When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place such application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served personally or by mail at least 10 days, excluding Saturday, Sundays and holidays, prior to the day of such hearing, upon the applicant or the appellant, and to such persons as the Board may specify in its rules and regulations which notices, if by mail, shall be sent to the last known address of the respective property owners. The Board shall also publish notice of such hearing in a newspaper of general circulation in Clark County at least seven (7) days prior to the public hearing. Any party may appear at such hearings in person or by agent or attorney. Each application or appeal pertaining to one-, two-, and three-family structures only shall be accompanied by cash or check made payable to the City in the amount of \$57.00, all other applications or appeals shall be accompanied by cash or check made payable to the City in the amount of \$285.00. The Board shall not accept an application or appeal until such payment is received.

(Ord. 04-248. Passed 8-10-04.)

- (d) **Adjournment of Hearing.** Upon the day for hearing any application or appeal, the Board may adjourn the hearing to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with such application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of such hearing unless the Board so decides.

- (e) **Decisions of the Board.** The Board shall decide all applications and appeals within 60 days after completion of the hearing thereon, and such decision shall become effective upon certification of the resolution of the Board. A certified copy of the Board's decision shall be transmitted to the applicant or appellant. Such decision shall be binding upon the Director of Community Development or his authorized representative and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board, by resolution, certifies its approval on any application or appeal, there shall be no further hearings upon such case. However, when the Board denies an application or appeal, a new application or appeal may be filed subject to the same procedure as an original application or appeal. If a new application or appeal is filed within one (1) year of the date of the Board's decision, the Secretary shall not schedule any hearing until the Board has received the application or appeal and decided that there is new matter, evidence or facts to be heard by the Board.

- (f) **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director of Community Development or his authorized representative certifies to the Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board after notice to the Director of Community Development or his authorized representative, or by judicial proceedings.

#### **1172.04 INTERPRETATIONS OF THE CODE AND MAP.**

Upon appeal from a decision by the Director of Community Development or his authorized representative, the Board shall have the power to decide any question involving the interpretation of the Springfield Zoning Code text or map, as follows:

- (a) In case there is question as to the intended meaning of any provision of the Springfield Zoning Code text, the Board may interpret its meaning as it applies to a particular property. Before reaching a decision in response to any request, the Board shall obtain the opinion of the City Director of Law thereon.
- (b) Where the street or lot layout actually on the ground, or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board, after notice of public hearing to the owners of the property, shall interpret the Map in such a way as to carry out the intent and purpose of this Springfield Zoning Code for the particular section or district in question. In case of any question as to the location of any boundary line between districts, an application for interpretation of the Zoning Map may be made to the Board and a determination shall be made by such Board by following the procedure established in Section 1172.04.
- (c) Where a specific use is proposed that is not listed or provided for in this Springfield Zoning Code, The Board of Zoning Appeals may make a determination that the proposed use is substantially similar to a specific use that is listed or provided for in the Springfield Zoning Code. If the Board finds that a use is substantially similar to a specific use listed in this Springfield Zoning Code, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use. In formulating a determination that a proposed use is a substantially similar use, the Board shall include in its written findings the reasoning upon which the decision is based. The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- (1) The compatibility of the proposed use with the general use classification system as specified in this Springfield Zoning Code.
- (2) The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Springfield Zoning Code as being permitted, or in the case of a conditional use, conditionally permitted in that district.
- (3) The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Springfield Zoning Code.

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Springfield Zoning Code, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar. the Director of Community Development shall maintain, as a public record, a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Springfield Zoning Code, the use unlisted in the Springfield Zoning Code about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Director of Community Development shall consult this record in the process of issuing zoning permits.

#### **1172.05 CONDITIONAL USES.**

- (a) The Board shall have the power and original jurisdiction to hear and decide, in accordance with the provisions of this Springfield Zoning Code, applications, filed as hereinbefore provided, for conditional uses.

(b) Application. Any person seeking a conditional use permit shall file a written application on a form to be prescribed by the Director of Community Development and in accordance with Section 1172.03 of the Springfield Zoning Code. The application shall specify the section of the Springfield Zoning Code under which the conditional use permit is sought and may suggest, in a draft conditional use permit, such proposed conditions as the applicant believes are necessary and sufficient to warrant issuances of the conditional use permit applied for. The application shall include such evidence as is necessary and sufficient to demonstrate that issuance of the applied for conditional use permit is warranted when the standards identified in subdivision (c) of this Section are applied. The application shall include the following material, at a minimum:

- (1) A site and development plan at an appropriate scale showing proposed placement of structures on the subject property; provisions for ingress and egress, offstreet parking and offstreet loading areas, and refuse and service areas; and required yards and other open spaces;
- (2) Plans showing proposed locations for utility hook-ups;
- (3) Plans for proposed screening and buffering, if any, with reference as to type, dimensions, and character;
- (4) Proposed landscaping; signs and exterior lighting, if any, including type, dimensions, and character.

Where this Springfield Zoning Code places additional regulations on specific conditional uses, the application should demonstrate that such requirements will be met.

(c) In considering an application for a conditional use permit, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;
- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;
- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;
- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (7) Will have ingress and egress for the subject property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares and which shall not be detrimental to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (8) Will locate offstreet parking, loading areas, refuse deposit locations, service areas, utility hookup facilities, signs and exterior lighting so as not be detrimental to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe and so as not to result in detrimental economic, noise, glare or odor effects on adjoining properties and properties generally in the district.

(d) In considering the compatibility of the proposed conditional use with all adjacent uses and structures, the Board shall give consideration to:

- (1) The existing land use pattern;
- (2) The impact of the proposed conditional use upon the load on public facilities such as schools, utilities, and streets;
- (3) Changed or changing conditions which find the proposed use to be advantageous to the community and the neighborhood;
- (4) The impact of the proposed use upon living conditions in the neighborhood;
- (5) The impact of proposed use upon traffic congestion and public safety matters;
- (6) The impact of the proposed use upon stormwater drainage;
- (7) The impact of the proposed use upon light and air to adjacent areas;
- (8) The impact of the proposed use upon property values in the adjacent area;
- (9) The impact of the proposed use upon the improvement or development of adjacent property in accordance with existing regulations;

(10) The impact of the proposed use with regard to the scale of needs of the neighborhood or the community.

(e) Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest in furtherance of the purpose of this Springfield Zoning Code. The Board shall issue written findings of fact and its written determination that the standards specified in subdivision (c) of this Section, when applied to the conditional use permit applied for, warrant issuance of the conditional use permit.

(f) If, upon consideration of the application and the applicant's evidence submitted along with its application and after notice and a hearing held by the Board (in accordance with Section 1172.03 of the Springfield Zoning Code) on the issuance of the applied for conditional use permit, the Board is unable to find adequate evidence showing that the proposed conditional use at the proposed location is warranted when the standards specified in subdivision (c) of this Section are applied, then no conditional use permit shall issue. In denying issuance of a conditional use permit, the Board shall issue written findings of fact and its written determination that the standards specified in subdivision (c) of this Section when applied to the conditional use permit applied for do not warrant issuance of the conditional use permit.

(g) Repeated Applications. No person shall file a second or subsequent application for a conditional use permit for a particular parcel of property, or part thereof, until the expiration of twelve (12) calendar months from the date of denial of the initial conditional use permit applied for; unless, the Board specifically waives the waiting period based upon a determination that either:

- (1) That the new application a proposes conditional use materially different from the initial conditional use which was denied or
- (2) That not waiving the waiting period will impose a substantial hardship on the applicant resulting from the applicant's mistake or inadvertence or
- (3) That newly discovered matters warrant waiving the waiting period.

(Ord. No. 06-236. Passed July 3, 2006.)

## 1172.06 VARIANCES.

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such

variances from the provisions or requirements of this Springfield Zoning Code as will not be contrary to the public interest and meet the standards for granting variances established in this section, but in no other case. Any application for a variance which could be approved through rezoning to any other classification shall not be approved as a variance, since this act would be equal to rezoning. No variances from the maximum permitted sign areas may be granted by the Board.

- (a) No variance from the strict application of any provision of this Springfield Zoning Code which permits the use of land which is prescribed or which will result in a use of land in a manner inconsistent with the basic character of the district in which such land is located, shall be granted by the Board unless it finds that strict application of this Springfield Zoning Code would result in unnecessary hardship. The Board shall find unnecessary hardship only when all the following facts and conditions exist:
- (1) The land in question cannot yield a reasonable return if used only for a purpose allowed in the district. To establish the inability of land to yield a reasonable return, the owner must demonstrate factually, by dollars and cents proof, an inability to realize a reasonable return under existing permissible uses in the district. An owner does not suffer hardship sufficient to warrant the granting of a variance simply because the land would be more valuable or yield more profits if the variance were granted. The requisite degree of hardship exists only when the only permissible uses are not economically feasible and strict application of the provisions of the Springfield Zoning Code deprive the owner of economically viable use of the land.
  - (2) The plight of the owner is due to unique circumstances and not to other general conditions in the neighborhood which may reflect the unreasonableness of the Springfield Zoning Code itself.
  - (3) The use to be authorized by the variance will not alter the essential character of the neighborhood.
- (b) No variance from the strict application of any provision of this Springfield Zoning Code that does not involve the use of land which is prescribed or which will result in a use of land in a manner inconsistent with the basic character of the district in which such land is located shall be granted by the board unless it finds that strict application of this Springfield Zoning Code would result in practical difficulties which will unreasonably deprive the owner of a permitted use of his property. Such area variances include, by way of example and not of limitation, relief from a set back requirement, height requirement, restrictions on the bulk of buildings, the extent of lot coverage or yard requirements. The Board shall consider and weigh the following factors and such other factors as the board may determine have a bearing on finding whether strict application of any provision of this Springfield Zoning Code would result in practical difficulties which will unreasonably deprive the owner of a permitted use of his property; however, no one of such factors shall control in a determination of whether such practical difficulty exists:
- (1) The Property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance, the variance would relieve a clearly demonstrable situation where strict application of the provisions of this Springfield Zoning Code created a practical difficulty that will deprive the owner of economically viable use of the land, as distinguished from a special privilege or convenience to the owner.
  - (2) The variance is not substantial.
  - (3) The essential character of the neighborhood will not be substantially altered or suffer a substantial detriment as a result of the variance.
  - (4) The variance will not adversely affect the delivery of governmental services such as police and fire protection, water and sewer services, and solid waste regulation and disposal.
  - (5) The property owner purchased the property without knowledge of the zoning restrictions.
  - (6) The property owner's predicament feasibly can be obviated through some method other than granting a variance.
  - (7) The property possesses conditions involving irregular, narrow, shallow or steep lots, or other exceptional physical conditions and because of such exceptional physical conditions, strict application of a provision or provisions of this Springfield Zoning Code would be unreasonable.
  - (8) The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

#### **1172.07 APPEALS FROM THE HISTORIC LANDMARKS COMMISSION.**

- (a) The Board shall hear all appeals of applicants for Certificates of Appropriateness from the Historic Landmarks Commission. All rules and procedures otherwise set forth in this Chapter shall apply to any appeals from the Historic Landmarks Commission.
- (b) The Board shall review all appeals to determine the reasonableness of the decision(s) made by the Historic Landmarks Commission considering the following criteria for applications for Certificates of Appropriateness:
- (1) The application fully complies with the purpose set forth in Section 1321.02 for the Historic Landmarks Commission;
  - (2) The application meets the Secretary of the Interior's Standards for Rehabilitation and the specific design guideline requirements of Section 1321.09(d);
  - (3) The application meets the general standards for review as outlined in Section 1321.09(e)-(f).
- (Ord. 21-334. Passed 11-9-21.)

#### **1172.08 POWERS; EXERCISE AND EXTENT.**

In exercising its powers, the Board, in conformity with the provisions of statute and this Springfield Zoning Code, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination of the Director of Community Development appealed from, and may make such order, requirement, decision or determination as in its judgment ought to be made, and to that end shall have all powers of the office from which the appeal is taken. The Board shall have and shall be limited strictly to the powers and duties prescribed by law and this Springfield Zoning Code.

(Ord. 21-334. Passed 11-9-21.)

#### **1172.09 EXPIRATION OF AUTHORIZATIONS.**

Every authorized use or variation of the application of the literal provisions of this Springfield Zoning Code allowed or granted, as provided in this chapter shall expire and be of no force or effect after the expiration of six (6) months from the date thereof, unless:

- (a) The beneficiary of such variation or use shall have actually within such period, put the subject property to the purpose for which such variation or use shall have been granted or allowed.
  - (b) The Board at the time of the original grant or allowance of such variation or use shall have granted a longer period, in which event the expiration thereof shall be on the date specified by the Board, or
  - (c) The Board grants an extension of time at a later date.
- (Ord. 21-334. Passed 11-9-21.)

## **TITLE NINE - IMPLEMENTATION**

Chap. 1174. Amendments to Code  
Chap. 1175. Annexations  
Chap. 1176. Zoning Certificates  
Chap. 1177. Enforcement and Penalty

## CHAPTER 1173

### Zoning Districts and Map

#### **1173.01 Districts.**

#### **1173.02 Zoning map.**

#### **1173.03 Construction of the district boundaries.**

#### **1173.04 Interpretation of district boundaries.**

#### **1173.01 DISTRICTS.**

To classify, regulate and restrict the use and location of buildings designed for specified uses; to regulate the bulk of buildings; to regulate and determine the area and yards surrounding buildings; and to regulate and limit the density of population, the city is divided into zoning districts.

#### **1173.02 ZONING MAP.**

(a) The boundaries of zoning districts are hereby established as shown on the Zoning Map of Springfield, Ohio, herein referred to as the "map." The map shall be and is hereby made a part of this code. The map and one (1) reproduction shall both be dated and certified to be true and correct by the President of the Commission. The map shall be placed and remain on file in the City Clerk's office in the form provided at the time of the passage of this code. One (1) certified true reproduction shall be maintained in the office of the Planning and Zoning Administrator.

(b) Subsequent amendments to the map shall be recorded by filing the amending ordinances together with schematic maps diagramming the effect of the amendments on the original map. The original map shall not be altered.

(c) The Community Development Department shall from time to time produce a consolidated map reflecting all current changes, but this map and all reproductions of this map will only be for reference and convenience and will not be regarded as a part of this code.

(d) If, in the judgment of the City Clerk, the original map becomes sufficiently worn or outdated to justify replacement, the City Commission may direct that a new map be drawn reflecting all the then current amendments. This new map, after inspection by all members of the Commission, may be adopted by ordinance as the new map. One (1) copy of the new map shall be reproduced, dated and certified to be true and correct by the President of the Commission and shall then replace the original map.

#### **1173.03 CONSTRUCTION OF THE DISTRICT BOUNDARIES.**

The boundaries of various districts are shown on the zoning map accompanying and made a part of this code. The location of the boundaries shall be determined according to the following general rules of construction:

- (a) Boundaries of districts shown along public streets and alleys shall be construed to be along the centerlines of such streets and alleys as they existed at the time of the adoption the map.
- (b) Boundaries of districts shown to be located approximately along lot lines, shall be construed to be along the lot lines as they existed at the time of the adoption of the map.
- (c) Boundaries within separate tracts and within unsubdivided property, shall be determined by use of the scale of the map.

#### **1173.04 INTERPRETATION OF DISTRICT BOUNDARIES.**

The Director of Community Development or his designee shall interpret the location of district boundary lines as they appear on the zoning map. When such interpretations are disputed, the location of the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Chapter 1172.

## CHAPTER 1174

### Amendments

#### **1174.01 General.**

#### **1174.02 Planning Board action.**

#### **1174.03 Permit and certificate issued prior to amendment.**

#### **1174.04 Application for permit and certificate at time of amendment.**

#### **1174.01 GENERAL.**

- (a) The City Commission may from time to time on its own motion; initiation by the Planning Board; or on petition by a person,

amend the boundaries of districts or regulations established in this code by adopting an ordinance to supplement; change; modify or repeal them.

(b) To amend the districts and regulations established in this code, applications shall be submitted on forms available from the City Clerk and shall be accompanied with the following items:

- (1) A plot plan of the petitioned property and all other properties within 200 feet of the lands shall be submitted.
- (2) The names and addresses of all property owners of the petitioned property and those within 200 feet of any part of the petitioned property shall be submitted. However, when ten (10) or more contiguous properties are joined in one (1) petition by motion of the City Commission or instigation by the Planning Board, the names and addresses of those of the petitioned properties and those within 200 feet need not be.
- (3) A written statement setting forth the reasons for amending the map as petitioned shall be submitted.
- (4) A filing fee of \$285.00 shall be submitted.  
(Ord. 04-248. Passed 8-10-04.)
- (5) Such other documentation as may be necessary to process the proposed amendment shall be submitted.

#### **1174.02 PLANNING BOARD ACTION.**

(a) An amendment by any person shall first be submitted to the Planning Board for its recommendations and a report. If the Planning Board does not submit a report within 45 days of the filing date of the application, it shall be considered to have submitted a report approving the proposed amendment. Applicants may waive this time limitation in writing. Incomplete applications are deemed to not have been properly filed. The said 45-day time limitation will begin to run once an application has been properly filed. After the recommendations and report of the Planning Board have been filed, the City Commission shall before enacting any proposed amendment, hold a public hearing on the proposed amendment, giving notice of the time and place of the hearing, which notice shall be published in a newspaper having a general circulation in the city at least 30 days before the public hearing.  
(Ord. 03-288. Passed 8-19-03.)

(b) The Planning Board may make recommendations and a report to the City Commission for amendments to this code or map upon its own initiation. If the Planning Board initiates such recommendations and a report to the Commission, said recommendations may be immediately set for public hearing following the procedures generally prescribed for amendments to the code and map by the Commission.

#### **1174.03 PERMIT AND CERTIFICATE ISSUED PRIOR TO AMENDMENT.**

Nothing contained in this code shall require any change in building or structure for a use for which a building permit and a zoning certificate, as prescribed in Chapter 1176, had been legally granted before the amendment of the code and map. However, the construction of any building or structure shall commence within six (6) months from the date the permit and the certificate are issued and be completed prior to the expiration of the building permit.

#### **1174.04 APPLICATION FOR PERMIT AND CERTIFICATE AT TIME OF AMENDMENT.**

If the establishment of a building, structure or use is contemplated that would not be permitted because of the proposed amendment to the code or map, no building permit and zoning certificate for the building, structure and use shall be issued for a period of 60 days after the City Commission has set a public hearing on the proposed amendment. The permit and certificate shall be subject to one of the following actions of the Commission:

- (a) If within the 60 day period the Commission shall enact an ordinance amending the code or map, the provisions of the code or map as amended shall thereafter be in effect, and the building, structure and use for which a permit or certificate is pending shall comply with the code or map as amended.
- (b) If final action by the Commission has not been taken on the amendment within 60 days of the time the matter is set for public hearing, the permit and certificate shall be issued based upon the present code.
- (c) If within the 60 day period the Commission does not receive a sufficient number of votes for passage of the amendment, the suspension period shall be terminated and the permit and certificate shall be issued based upon the present code.

### **CHAPTER 1175**

#### **Annexation**

##### **1175.01 Annexation. (Replaced in its entirety by Ord. 21-11, January 19, 2021).**

#### **1175.01 ANNEXATION.**

(a) Where land previously zoned and assigned a Zoning Sign District by another jurisdiction is annexed to the City, the same shall be zoned in the same Zoning District and Zoning Sign District as land that is already within the City and immediately adjacent to the land to be annexed.

(b) If the land immediately adjacent to the land to be annexed consists of more than one Zoning District and/or Zoning Sign District, the land to be annexed shall be zoned in the same Zoning District and/or Zoning Sign District that the majority of the land adjacent to it is located in.

(c) Land not zoned by another jurisdiction prior to annexation shall be classified in the same manner into whichever district and sign district most closely conforms to the existing use of the annexed area or in accordance with Chapter 1173 in the case of vacant land. Building permits may be issued only after the City has given the land its permanent zoning and zoning sign classification.

(d) In all cases, within three (3) months after the effective date of annexation, the Planning Board shall recommend the appropriate

permanent zoning districts and sign district for such area to Commission, and the Official Zoning District Map shall be amended according to the prescribed procedure set forth in Chapter 1174.

(e) Upon annexation of land to the city, the provisions of Chapter 1127, Flood Plain Overlay District, shall also become effective for such land.

(f) The City Commission shall hold a public hearing regarding the annexation application prior to the acceptance of the annexation. The City Clerk shall cause notice of the public hearing to be made pursuant to the provisions of Section 713.12 of the Ohio Revised Code, as presently enacted or as it may be amended for time to time by the General Assembly. Notice shall be made by the City Clerk so the required public hearing may occur on the first day that the City Commission is permitted to consider acceptance of the annexation in compliance with Section 709.04 of the Ohio Revised Code, as presently enacted and as it may be amended from time to time by the General Assembly.

## CHAPTER 1176

### Zoning Certificates

#### **1176.01 General.**

- 1176.02 Zoning certificate required.**
- 1176.03 Application for zoning certificate.**
- 1176.04 Zoning certificate approval.**
- 1176.05 Zoning certificate revocation.**
- 1176.06 Establishment of a use to be approved.**
- 1176.07 Expiration of zoning certificate.**
- 1176.08 Record of zoning certificates.**

#### **1176.01 GENERAL.**

This chapter sets forth the procedures to be followed in obtaining zoning certificates under this code.

#### **1176.02 ZONING CERTIFICATES REQUIRED.**

No land or structure shall be used or converted nor a building permit issued for the construction of a building or structure until a zoning certificate has been issued by the Director of Community Development or his designee. Failure to obtain a zoning certificate shall be a violation of this code. The certificate shall be issued only in conformity with the provisions of this code or the decision of the Board of Zoning Appeals, if applicable. However, a temporary certificate may be issued when a delay in the planting of trees is warranted, as provided in Subsection 1158.01(d) and Paragraph 1161.02(h)(3) or a delay in the paving of parking and stacking spaces, drives or aisles is warranted, as provided in Subsection 1153.01(g).

#### **1176.03 APPLICATION FOR ZONING CERTIFICATE.**

An application shall be submitted for a zoning certificate and the applicant shall attest that the information supplied in the application is true and correct. At a minimum, the application shall be accompanied with the following items:

- (a) Name, address and phone number of the applicant;
- (b) Legal description of the property;
- (c) Existing and proposed uses of the property;
- (d) Zoning district of the proposed use;
- (e) Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of proposed building(s) or alteration;
- (f) Building heights;
- (g) Number of off-street parking spaces or loading spaces and their layout;
- (h) Location and design of access drives;
- (i) Number of dwelling units;
- (j) Application for a sign permit;
- (k) A filing fee of \$25.00 if the zoning certificate pertains to a one-, two-, or three-family structure or a filing fee of one percent of the cost of the Building Permit in all other cases, but not less than \$25.00; and  
(Ord. 04-248. Passed 8-10-04.)
- (l) Such other documentation as may be necessary to determine conformance with this code.

#### **1176.04 ZONING CERTIFICATE APPROVAL.**

Within five (5) working days after the receipt of the application for a zoning certificate, the Community Development Director or his designee shall either approve or disapprove the application in conformance with the provisions of this code. When plans are required, one copy of the plans shall be returned to the applicant after the Director or his designee has marked such copy either as approved or disapproved and so attested by his signature on the copy. One copy of the plans, similarly marked, shall be retained by the Director or his designee.

#### **1176.05 ZONING CERTIFICATE REVOCATION.**

The Community Development Director or his designee may issue a revocation notice to revoke a zoning certificate that was issued contrary to the code based upon false information or misrepresentation in the application. Written notice of such revocation shall be given to the person holding the certificate together with notice that further work, as described in the canceled certificate, shall not

proceed unless and until a new certificate has been obtained or an extension granted.

#### **1176.06 ESTABLISHMENT OF A USE TO BE AS APPROVED.**

A use shall be established on the basis of the application and plans approved with a zoning certificate by the Community Development Director or his designee. Any use established contrary to that authorized shall be deemed a violation of this code.

#### **1176.07 EXPIRATION OF ZONING CERTIFICATE.**

If the work described in any zoning certificate has not been completed within the time specified, the certificate shall expire. The certificate shall be revoked by the Community Development Director or his designee according to the procedures prescribed in Section 1176.05 above.

#### **1176.08 RECORD OF ZONING CERTIFICATES.**

The Community Development Director or his designee shall maintain a record of all zoning certificates, and copies shall be furnished upon request to any person.

### **CHAPTER 1177**

#### **Enforcement**

##### **1177.01 Compliance required.**

##### **1177.02 Complaints regarding violations.**

##### **1177.03 Entry and inspection of property.**

##### **1177.04 Notice of violations.**

##### **1177.05 Violation citation tags.**

##### **1177.99 Penalties and fines.**

#### **1177.01 COMPLIANCE REQUIRED.**

Except as specifically allowed elsewhere in this code:

- (a) No person shall use land except for a purpose permitted in the district in which it is located.
  - (b) No person shall erect, convert, enlarge, reconstruct, move or structurally alter any building, nor shall any person use any building, except for a use permitted in the district in which such building is located.
  - (c) No person shall erect, convert, enlarge, reconstruct, move or structurally alter any building, nor shall any person use any building, except in conformity with the area regulations of the district in which such building is located.
  - (d) No person shall erect or enlarge any building except in conformity with the off-street parking and loading requirements of this Springfield Zoning Code.
  - (e) No person owning a building at the time of passage of this Springfield Zoning Code or who hereafter erects or structurally alters a building, shall cause or permit such building to encroach upon the minimum yards, frontage, parking spaces and open spaces, including lot area per family, required by this Springfield Zoning Code nor shall any lot area be reduced below the requirements of this Springfield Zoning Code for the district in which such lot is located.
- (Ord. 02-177. Passed 4-16-02.)
- (f) No person shall erect, convert, enlarge, reconstruct, move or structurally alter any building as to cause the minimum yards, frontage, or parking spaces and open spaces, including lot area per family, required by this Springfield Zoning Code for such building to encroach upon any part of the yards, frontage, parking space or open spaces, including lot area per family, required by this Springfield Zoning Code for any other building.

#### **1177.02 COMPLAINTS REGARDING VIOLATIONS.**

Whenever a violation of this Springfield Zoning Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Community Development Director or his designee. He shall properly record such complaint, investigate such complaint, and take action as provided by this Springfield Zoning Code.

#### **1177.03 ENTRY AND INSPECTION OF PROPERTY.**

The Community Development Director or his designee is authorized to make inspections of properties and structures for the purpose of enforcing the provisions of this Springfield Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, he shall attempt to obtain the permission of the owner or occupant to inspect the property or structure. If such permission is denied or cannot be obtained, he shall request the assistance of the City Law Director in securing a valid search warrant prior to entry.

#### **1177.04 NOTICE OF VIOLATION.**

- (a) Whenever the Community Development Director or his designee determines that there is a violation of any provision of this code, a warning shall be issued and shall serve as a notice of the violation. Such notice shall:
  - (1) Be in writing;
  - (2) Identify the violation;
  - (3) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Springfield Zoning Code being violated; and

- (4) State the time by which the violation shall be corrected.
- (b) Service of notice of violation shall be as follows:
- (1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion;
  - (2) By certified mail deposited in the United State Post Office addressed to the person or persons responsible at a last known address;
  - (3) If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing. Service shall be deemed complete when the fact of mailing is entered of record, provided the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
  - (4) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

#### **1177.05 VIOLATION CITATION TAGS.**

The Community Development Director or his designee is authorized and directed to provide inspectors with citation tags which may be used for the purpose of giving due notice and summons to the person responsible for violations of this Springfield Zoning Code by the following procedure:

- (a) Each citation tag shall be put in writing on an appropriate form, describe the offense charged, refer to the section of the chapter violated, and order the defendant to appear at a stated time and place.
- (b) The citation tag shall be served on such person in person. However, a citation tag shall be deemed to be properly served upon such person if a copy thereof is sent by registered or certified mail to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place in or on the property affected.
- (c) If a registered or certified mail envelope is returned with an endorsement showing that service was refused or unclaimed, the notice may be served by ordinary mail to his last known mailing address, residence, or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing, provided the ordinary mailing envelope is not returned from the postal authorities with an endorsement showing failure of delivery.
- (d) Alternatively:
  - (1) The citation tag may be served by leaving it at his last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof; or
  - (2) If service is not accomplished by any of the above means, then a notification of the existence of the citation tag may be published at least once in a local newspaper of general circulation.
  - (e) The citation tag shall inform the defendant that, in lieu of appearing at the time and place stated, he may, within the stated time, sign a plea of guilty and a waiver of trial and pay a stated fine and stated costs, if any. (f) When the defendant fails to appear within the stated time, a warrant may be issued for his arrest.
  - (f) When a defendant appears, but does not sign a guilty plea and waiver of trial, the court shall proceed according to criminal procedures.
  - (g) The citation tag as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon, provided the use of such tags shall not prohibit the issuance of either additional citation tags in the event such violation is continued or repeated.

#### **1177.99 PENALTIES AND FINES.**

(a) It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain or structurally alter any building, structure or land in violation of any provisions of this Springfield Zoning Code or any amendment thereto. Any person who violates this Springfield Zoning Code or fails to comply with any of its requirements shall upon conviction be guilty of a minor misdemeanor and be fined not more than 100 dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(b) Nothing in this Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Springfield Zoning Code, or in the case of an imminent threat of such a violation, the City Law Director or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, enjoin or terminate such violation.